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Council Proceedings

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Forty-fourth Session, 1934

10th to 14th, 17th to 20th and 22nd December, 1934.

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir JOHN WOODHEAD, K.C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Mr. R. N. REID, C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Jails.
7. Hazaribagh Reformatory School.

The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the following portfolios:-

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage
5. Forests.
6. Irrigation.

The Hon'ble Sir BROJENDRA LAL MITTER, K.C.S.I., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Judicial.
5. Legislative.

MINISTERS.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble SIR BIJOY PRASAD SINGH ROY, KT., in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE, in charge of the following portfolios:—

1. Education.
2. Registration.
3. Wakf.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, KT., of Santosh.

DEPUTY PRESIDENT.

MR. RAZAUR RAHMAN KHAN, B.L.

Secretary to the Council—J. W. MCKAY, I.S.O.

Assistant Secretary to the Council—Mr. K. ALI AFZAL, Bar.-at-Law.

Panel of Chairmen for the Forty-third Session.

1. Mr. W. H. THOMPSON.
2. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur.
3. Khan Bahadur MUHAMMAD ABDUL MOMIN.
4. Mr. NARENDRA KUMAR BASU.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur. [Dacca City (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]
Ashworth, Mr. C. G. [Presidency and Burdwan (European).]

B

Baksh, Maulvi Shaikh Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Rai Sahib Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Babu Premhari. [Dinajpur (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muahmmadan).]
Basir Uddin, Khan Sahib Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Mohini Nath. (Expert, Nominated.)
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Benjamin, Mr. H. D. (Nominated Official.)
Benthall, Sir Edward, KT. (Bengal Chamber of Commerce.)
Birkmyre, Mr. H. (Bengal Chamber of Commerce.)
Blandy, Mr. E. N., C.I.E. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Bottomley, Mr. J. M. (Nominated Official.)
Boyd, Lt.-Col. T. C., I.M.S. (Expert, Nominated.)
Burn, Mr. H. H. (Bengal Chamber of Commerce.)

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)
Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Maulvi Syed Osman Haider. [Tippera North Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Edgley, Mr. N. G. A. (Nominated Official.)
Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]
Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Ferguson, Mr. R. H. [Rajshahi (European).]

G

Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
Gilchrist, Mr. R. N., C.I.E. (Nominated Official.)
Gladding, D. (Nominated Official.)
Goenka, Rai Bahadur Sir Badridas, KT., C.I.E. (Bengal Marwari Association.)*
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, the Hon'ble Khan Bahadur M. Azizul. [Minister.] [Nadia (Muhammadan).]
Hodge, Mr. J. D. V., C.I.E. (Nominated Official.)
Homan, Mr. F. T. (Bengal Chamber of Commerce.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Bahadur Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Abi Abdulla. [Bakarganj South (Muhammadan).]
Khan, Mr. Hashem Ali. [Bakarganj West (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]

L

Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Lockhart, Mr. A. B. E. [Presidency and Burdwan (European).]

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]

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* Deputy President, Bengal Legislative Council.

Martin, Mr. O. M. (Nominated Official.)
Mason, Mr. G. A. (Indian Jute Mills Association.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mitter, Mr. S. C. (Nominated Official.)
Mitter, the Hon'ble Sir Brojendra Lal, K.C.S.I. (Member, Executive Council.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Reverend B. A. (Nominated Non-official.)
Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nandy, Maharaja Sris Chandra, of Kasimbadar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. (Member, Executive Council.)
Nicholl, Mr. C. K. (Indian Tea Association.)
Norton, Mr. H. R. (Calcutta Trades Association.)

P

Paul, Sir Hari Sanker, KT. [Calcutta South (Non-Muhammadan).]
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]

Q

Quasem, Maulvi Abul. [Khulna (Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Khan Bahadur A. F. M. Abdur-. [24-Parganas Rural (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
*Ray Chowdhury, the Hon'ble Raja Sir Manmatha Nath, KT., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Mr. K. C. (Nominated Non-official.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Reid, the Hon'ble Mr. R. N., C.S.I., C.I.E. (Member, Executive Council.)
Ross, Mr. J. B. (Indian Mining Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, the Hon'ble Sir Bijoy Prasad Singh, KT. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Rai Bahadur Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarker, Rai Bahadur Rebati Mohan. (Nominated Non-official.)
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]

*President of the Bengal Legislative Council.

Sen, Mr. B. R. (Nominated Official.)
Sen, Rai Bahadur Gris Chandra. (Expert, Nominated.)
Sen, Rai Bahadur Jogesh Chandra. [24-Parganas Municipal South (Non-Muhammadan).]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Steven, Mr. J. W. R. [Dacca and Chittagong (European).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Townend, Mr. H. P. V. (Nominated Official.)

W

Walker, Mr. R. L. (Expert, Nominated.)
Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
*Williams, Mr. A. deC., I.C.S. (Nominated Official.)
Woodhead, the Hon'ble Sir John, K.C.S.I., C.I.E. (Member, Executive Council.)

*Oath taken on the 14th February, 1934.

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Forty-fourth Session.)

Volume XLIV—1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 10th December, 1931, at 2 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 116 nominated and elected members.

Oaths.

(1) Mr. F. T. Homan.
(2) Sir Edward Benthall, KT.
(3) Mr. C. G. Cooper.
(4) Maulvi Abi Abdulla Khan.
(5) Mr. Hashem Ali Khan.
(6) Mr. W. H. Thompson.
(7) Mr. E. N. Blandy, C.I.E.
(8) Mr. J. D. V. Hodge, C.I.E.
(9) Mr. R. L. Walker, I.C.S.
(10) Mr. H. D. Benjamin, I.C.S.
(11) Babu Mohini Nath Basu.
(12) Rai Bahadur Gris Chandra Sen.
(13) Lt.-Col. T. C. Boyd, I.M.S.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Mr. W. H. Thompson,

(2) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(3) Khan Bahadur Muhammad Abdul Momin, and

(4) Mr. Narendra Kumar Basu.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Mr. PRESIDENT: Gentlemen, before we commence the day's proceedings I should like to have your permission to send a message in your name and on your behalf to His Excellency Sir John Anderson for his providential escape from the hands of two wouldbe assassins in the Lebong Race Course a few months ago and at the same time to express our abhorrence and strongest possible condemnation of terroristic methods and terroristic crimes which are bound to tarnish the fair name of Bengal and retard her progress and advancement which are so near and dear to our heart. I shall be extremely grateful to you if you will signify your assent by rising in your seats.

(The members rose in their seats with alacrity.)

Mr. PRESIDENT: Thank you, gentlemen.

Obituary Reference.

Mr. PRESIDENT: Gentlemen of the Council, it is my melancholy duty to offer the last tribute to the memory of ten past members of the Bengal Legislative Council, whose loss we have had lately to deplore.

Sir John Kerr joined the Indian Civil Service in 1892. After having served the Government of Bengal and the Government of India in various capacities, he became Secretary to the Government of Bengal in the Revenue Department in 1911. His connection with the Council began in 1912. He then rose from one high office to another. He was Chief Secretary in 1915, a Member of the Executive Council of the Governor of Bengal in 1921-22, Governor of Assam in 1922-27 and for a time in 1925 he acted as Governor of Bengal. He retired from service in India in 1927. Two or three years ago, when His Majesty's Government were looking for mature and able help in regard to the Indian

Finance Committee, their choice fell on Sir John Kerr. He showed his great public spirit and unhesitatingly shouldered the burden and heavy responsibility thus cast upon him. We had the pleasure of meeting him again when he came out as Deputy Chairman of the Indian Finance Committee in 1932. His administrative qualities were of the highest order as his many-sided activities in Bengal and Assam will show. His name will also be remembered as the joint editor of Rampini's Tenancy Act and as the author of the Settlement Reports of Saran and Durbhanga. He was made a C.I.E. in 1911, C.S.I. in 1917, K.C.I.E. and afterwards K.C.S.I. in 1922. Bengal and Assam has lost a true friend in him.

Sir Arthur Norman Moberly was a member of the Bengal Executive Council during 1926-30. He joined the Indian Civil Service in 1896. After having served for several years as Magistrate and Collector, and Commissioner of a Division, he became Chief Secretary to the Government of Bengal in 1923 and in 1926 was appointed an Executive Councillor. He left India on leave preparatory to retirement in April, 1930. He was made a C.I.E. in 1924 and a K.C.I.E. in 1930. Many of our colleagues present in this House had the honour and privilege of his acquaintance and will remember his great qualities of head and heart. As a member of this House, he was conspicuous for tenacity in debate tempered by charming manners and well fortified by a disarming smile. Human memory is proverbially short, but it will not be easy to forget him. His friends in Bengal, I am sure, will continue to mourn his loss for years to come. He was verily a nature's gentleman.

Sir B. B. Ghosh acted twice as a Revenue Member of the Executive Council on his retirement from the Calcutta High Court in 1929. He was the younger brother of the late illustrious Dr. Sir Rash Behary Ghosh. Having finished his education in the Calcutta University he was successful in having himself enrolled as a Vakil of the Calcutta High Court in 1892 and practised first in the High Court and afterwards in Burdwan. In 1919 he again resumed his practice at the Calcutta High Court and served as a Puisne Judge from 1922 to 1929 and as a Law Member to the Government of India in 1933. He was associated with many educational institutions in the city. For a time he was a Fellow of the Calcutta University and the Dean of the Faculty of Law and President of the Board of Studies (Law). He presided in 1930 over the Conciliation Board of the Bombay-Baroda and Central India Railway Labour Dispute at Bombay. The insignia of a knighthood was conferred on him in 1932. It will not be easy to fill the void which his death has created in Calcutta.

Sir Charu Chandra Ghose died in his Calcutta residence in September last. He was in our midst as an Executive Councillor in February and March last. Broken health unfortunately compelled him to resign from the position of Executive Councillor. Sir Charu was enrolled as a

Vakil and acquired a good practice as Junior. In 1906 he went to England to study for the Bar. He obtained a first class Honours at the Bar Final Examination and a special prize from Lincoln's Inn. He came back to Calcutta in July, 1907, and very soon made a mark in his profession. He was appointed a Judge in 1919 and served on the Bench for about 15 years and officiated on several occasions as the Chief Justice, an achievement of which anybody might well be proud. To those of us who had the privilege of his friendship, and to his family and relatives, he was most lovable and affectionate to a fault. Bengal, especially Calcutta, deeply mourns his loss.

Dr. H. W. B. Moreno, who was a member of this Council in the year 1924-26, representing the Anglo-Indian community, died in Calcutta in July last. He was a prominent member of that community, who, I am sure, will greatly miss him.

He was connected with several colleges in Calcutta and for a time acted as Lecturer in Calcutta University. He was the Vice-President of the Anglo-Indian and Domiciled European Association and greatly interested himself in Anglo-Indian politics and labour movements. For several years he was a member of the Calcutta Corporation representing the interest of his community, and during the last European war, he very actively participated in enlisting recruits for the Anglo-Indian Force. His loss is mourned by a large circle of friends.

Mr. Nirode Behary Mullick was a member of the Council during 1921-23. He died in Calcutta in July last. The interest of the labouring and depressed classes was always close to his heart. We extend our deep sympathy, in his sad bereavement, to his brother, our colleague Mr. Mukunda Behary Mullick.

Rai Bahadur Manmatha Nath Mitter, who was a member of this Council from October, 1928, to April, 1929, representing the Presidency Landholders' Constituency, died in September last at the age of 67. The deceased inherited largely the qualities of head and heart of his illustrious grandfather, late Raja Digambar Mitter. He was a prominent member of the Bengal Landholders' Association and was returned twice as a member of the Calcutta Corporation. His liberality was amply manifested towards the Hindu Orphanage, the Calcutta Deaf and Dumb School, Calcutta Blind School, the Refuge, the Bharat Sangit Samaj and many other public institutions. In 1926-27 he was selected as the Sherif of Calcutta. The late Rai Bahadur was noted particularly for his amiability and social manners. We sympathise with his son and our colleague Mr. S. C. Mitter in his great bereavement.

The news of the death of Sir Archdale Earle in England at the age of 73 has reached us. He joined the Indian Civil Service in 1882 and served in various capacities under the Government of Bengal. He was a member of the Bengal Legislative Council from 1903 to 1905 and again from the end of 1909 to the middle of 1910. From 1910 to 1912

he was Secretary to the Government of India in the Home Department and thence was appointed as Chief Commissioner of Assam from which post he retired from India in 1918. The late Sir Archdale Earle was one of the ablest officers of his time and was made a C.I.E. in 1909, a K.C.I.E. in 1911 and a K.C.S.I. in 1918. His loss I am sure will be widely mourned.

Mr. B. N. Sasmal's sudden and unexpected death on the 25th November last has shocked us. Mr. Sasmal was a member of this Council from 1924 to 1926. He was a prominent sitting member of the Corporation of Calcutta and was recently elected to the Indian Legislative Assembly after a most sensational fight to a finish. The whirlwind of that campaign, I am afraid, hastened the fateful hour. Be that as it may, it must be said of him that he was an indefatigable fighter who devoted his life to the cause of his country according to the light in him. Whatever may have been the difference in the angle of vision, as a man of unbending will, robust optimism and masculine intellect, he made himself conspicuous in the body politic of Bengal. The melancholy fact that he was quickly cut down when his life showed no sign of mortal decay makes his death all the more tragic. May he find peace at the end of his strenuous journey.

We have to mourn yet another loss. Rai Bahadur Janakinath Bose is no more. He passed away at his Calcutta residence in Bhowanipur on the 3rd instant—full of years. He was a member of the Bengal Legislative Council under the old constitution from 6th January, 1912, to 5th April, 1912. Born of poor parents he had to struggle hard to satisfy his thirst for knowledge. After graduation he joined the instructive staff of the General Assembly's Institution, but he soon realised that he was destined to play his part in the domain of law. He qualified himself for the Bar and began in right earnest to practise in Cuttack as a pleader. By the sheer dint of his merit he rose to eminence in the profession which he so readily embraced and built up an extensive and lucrative practice. In recognition of his legal acumen and attainments he was made a Government Pleader and his services were rewarded by the conferment of the title of Rai Bahadur on him. Although he died at the ripe old age of 75 his death is sincerely mourned.

It will be, I am sure, the wish of the Council that an expression of deep sympathy and of appreciation of the public work of these past members be sent, in each case, to their relatives.

I will ask you to signify your assent by kindly rising in your places.

(Pause.)

Thank you, gentlemen. The Secretary will take the necessary steps.

STARRED QUESTIONS

(to which oral answers were given)

Exemption of places of public worship from municipal taxes.

***1. Nawabzada KHWAJA MUHAMMAD AFZAL, Khan Bahadur:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that all the holdings which were exclusively used as places of public worship or were registered as public burial or burning grounds were exempted from municipal tax under section 98 of the old Bengal Municipal Act, 1884?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the Municipal Act of 1932 does not provide for similar exemption;

(*ii*) that taxes are being levied on places of public worship like mosques, etc.; and

(*iii*) that there is a strong public feeling against such levy?

(*c*) Are the Government considering the desirability of amending the new Act to exempt places of public worship from municipal taxes?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Under section 98 of the Bengal Municipal Act, 1884, such holdings were exempted from the payment of holding rate only, but not of other municipal taxes.

(*b*) (*i*) Section 124 (*1*) (*b*) of the Bengal Municipal Act, 1932, provides for exemption from holding rate only, and not of any other municipal taxes, in respect of any holding which is used exclusively as a place of worship, to which the public have the right of free access without payment or as a mortuary, or which is duly registered as a public burial or burning ground under that Act.

(*ii*) Government have no information. As will appear from the answer to (*b*) (*i*), taxes other than a holding rate may be levied in respect of such holdings.

(*iii*) Government have no information.

(*c*) Does not arise.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether assessment at a flat rate includes all other rates except rates on holdings?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think that question arises out of the present questions.

Mr. PRESIDENT: What was your question, please?

Maulvi SYED MAJID BAKSH: My question was whether assessment on flat rates included all other rates along with the rates for holdings?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that question does not arise. Section 124 of the Bengal Municipal Act clearly lays down the taxes to be levied under that section.

Mr. PRESIDENT: Yes, that is quite a different matter.

Maulvi SYED MAJID BAKSH: But I want to know whether under this section a municipality, while assessing on a flat rate can exempt——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Bengal Municipal Act does not contemplate any flat rate.

Mr. PRESIDENT: I think the Hon'ble Minister is right that the question does not arise. So you cannot put that question.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Subdivisional munsif system.

1. **Rai Bahadur SATISH CHANDRA MUKHERJI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay a statement on the table showing the scheme regarding the introduction of the subdivisional munsif system?

(*b*) Which grade of munsifs is proposed to be appointed as such munsifs?

(*c*) What would be the status and pay of such munsifs?

(*d*) What would be their relations with the Subdivisional Officer?

(*e*) Will the Hon'ble Member be pleased to state the names of the places selected for the introduction of the scheme?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) to (*e*) The scheme is still under discussion with the High Court and its final details have not yet been settled.

Babu KHETTER MOHAN RAY: Will the Hon'ble Member be pleased to state whether he will consult the Bar Association and other public bodies before taking any action?

The Hon'ble Sir BROJENDRA LAL MITTER: Before discussion with the High Court, it is impossible to say whether further advice would be necessary.

Mr. P. BANERJI: What is the amount of expenditure involved in this particular case?

The Hon'ble Sir BROJENDRA LAL MITTER: Speaking from memory, the expenditure involved is about Rs. 55,000.

Mr. P. BANERJI: Are the Government going to provide for this amount in the next year's budget?

The Hon'ble Sir BROJENDRA LAL MITTER: That depends upon how much money comes in.

Bengal Code.

2. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Legislative Department aware that the revision of the existing edition of the Bengal Code is long overdue?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state when the said revision will be taken up?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes.

(*b*) The matter is under the consideration of Government. It will be taken up as soon as the financial position permits.

Legislative Department.

3. **MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether any proposal for the amalgamation of the Legislative Department with that of the Judicial Department and Legal Remembrancer's office is under the consideration of Government?

(*b*) If the answer to (*a*) is in the affirmative, what economy will be effected on the said amalgamation?

(*c*) If there is no proposal for such an amalgamation, are the Government considering the desirability of transferring election matters to the Legislative Department?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) No. The proposal was considered last year but was rejected.

(*b*) Does not arise.

(*c*) No.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether, having regard to the fact that the Officer-in-charge of these three Departments does not attend his office in the High Court as being unnecessary, it is in the contemplation of the Government that the room occupied by the Legal Remembrancer in the High Court will be given up?

The Hon'ble Mr. R. N. REID: There is no Officer-in-charge of these three Departments.

Mr. NARENDRA KUMAR BASU: I am sorry I made a mistake. I am talking of the Judicial Department and the Legal Remembrancer's Department. Having regard to the fact that the Officer does not come to the High Court ordinarily or except on very special occasions, is it under the contemplation of Government that his room in the High Court would be given up?

The Hon'ble Sir BROJENDRA LAL MITTER: That case does not arise from the question in the paper.

Mr. NARENDRA KUMAR BASU: I submit that it is for the President to decide.

The Hon'ble Sir BROJENDRA LAL MITTER: I am sorry I confused this question with the answer No. 2 which stands in my name.

The Hon'ble Mr. R. N. REID: That room in the High Court is used by Legal Remembrancer's office which is located in the High Court and the Legal Remembrancer also goes there. It is also convenient to various people that he should go there.

Mr. NARENDRA KUMAR BASU: The Hon'ble Member's reply is so involved that——

Mr. PRESIDENT: But that is no question.

Mr. NARENDRA KUMAR BASU: I want to know whether Government are considering the desirability of giving up——

Mr. PRESIDENT: The Hon'ble Member has already answered that question.

The Hon'ble Mr. R. N. REID: I should like to add that, if the Hon'ble High Court represent to Government that they would like to occupy that room we should no doubt consider it with sympathy.

NON-OFFICIAL MEMBERS' BUSINESS

RESOLUTIONS

(On matters of General Public Interest).

Resolution regarding appointment of an Advisory Board under the Indian Electricity Act.

Babu KISHORI MOHAN CHAUDHURI: Sir, I do not like to move the resolution standing in my name, as the second one is more comprehensive which will, I think, be moved by my friend, Mr. Narendra Kumar Basu.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I beg to move that this Council recommends to the Government to constitute forthwith an Advisory Board for the province under section 35 of the Indian Electricity Act, 1910 (IX of 1910), consisting of not more than five members, two of whom shall be elected by the non-official members of the Legislative Council and one by the Corporation of Calcutta.

Sir, to those members of the House who are not familiar with the provisions of section 35 of the Indian Electricity Act, 1910, I shall only, before reading the section, say this that since the Indian Electricity Act has been on the statute book, the electrical operations in the province have increased by leaps and bounds. In fact, in 1910, the only place in Bengal which was electrified was Calcutta, but at the present time electrical schemes for many of the districts in Bengal are

not only ready and taken in hand, but many such are still being contemplated. In the Act of 1910, by section 35, it was provided that the Governor General in Council may, for the whole or any part of British India, and each Local Government, for the whole or any part of the province, by notification in the *Gazette of India*, or the local official Gazette, as the case may be, constitute an Advisory Board. Clause (*2*) provides that every such Board shall consist of a Chairman and not less than two other members. Clause (*3*) says that the Governor General in Council, or the Local Government, as the case may be, may by general or special order—

(*a*) determine the number of members of which any such Board shall be constituted, and the manner in which such members shall be appointed,

(*b*) define the duties and regulate the procedure of any such Board,

(*c*) determine the tenure of office of the members of any such Board, and

(*d*) give directions as to the payment of fees to, and the travelling expenses incurred by, any member of any such Board in the performance of his duty.

Sir, it will not be news to any of the members of this House——

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. I seek your decision on the point whether the resolution in its present form is maintainable in view of the provisions of the Indian Electricity Act, 1910, which have been read by my friend, Mr. Basu.

Mr. PRESIDENT: That question does not arise. The resolution was admitted by me as a mere recommendation to Government, and, as such, it may be discussed.

Mr. SHANTI SHEKHARESWAR RAY: The point is whether an Act of the Indian Legislature, which provides for a constitution in a particular form, can be discussed by us.

Mr. PRESIDENT: But, what is a resolution? It is certainly not mandatory—it is a mere recommendation to Government. It may be that Mr. Basu is suggesting a definite course, but it does not affect the Act in question unless Government amend it on the suggested lines. Mr. Basu has my permission to moving it.

Mr. NARENDRA KUMAR BASU: Sir, as I was saying, no member of the House is unaware of the fact that since 1910 up to date no Advisory Board, as such, has been appointed for the whole of the

province of Bengal; and now we are in what is known the age of electricity. It is, therefore, definitely necessary that an Advisory Board should be constituted under the Act. It may be said, Sir, that the creation of a perpetual Board might lead to a great deal of administrative inconvenience. Well, then, clause (*4*) of section 35 says that it is for the Local Government, by general or special order, to determine the tenure of the office of the members of the Board, and the previous clause says that it is for the Government to define the duties and regulate the procedure of any such Board. It would be idle to deny that for some time past, so far as Calcutta is concerned, there has been a great deal of dissatisfaction and discontent felt at the rate at which electricity is supplied to consumers in Calcutta. Living in Bhowanipur, and having to pass the electric power sub-station every day, I meet with a poster which says that electricity is cheaper in Calcutta than anywhere else in the world. It may be so. I see that poster every day twice or thrice. I have no quarrel with the truth or otherwise of the contents of that poster, but what I do say is: "Is it as cheap as it might be? Is it cheap enough for the poorest population in the world—as India's, or rather Bengal's, population is?" The question is, Sir, whether under the circumstances the Calcutta Electric Supply Corporation could have charged lesser rates for electricity.

We have had controversy in certain newspapers, beginning with editorials and letters from correspondents, rejoinders from the Calcutta Electric Supply Corporation, and all that sort of thing. But it is for this Council to determine whether or not an Advisory Board should be appointed to go into that question. I shall be immediately met with the argument, I take it, from those who oppose this resolution, that it would not be one of the legal functions of the Advisory Board to go into the question of the rates charged. Speaking for myself, I have read the Act with at least as much care as I could devote to the question; and I do not think it would be outside the province of the Board. Even if it were so, my submission to the Council is that, apart from the strictly legal position, a Board appointed by the Government of Bengal *to act as an Advisory Board* for electric functions in the province would certainly exert a great deal of moral pressure; and if they went into the question and found that the rates were such as could be revised with profit to the consumers, it would be done. (A VOICE: Question.) Of course, without a great deal of loss to the Calcutta Electric Supply Corporation. I have been told that the Calcutta Electric Supply Corporation, which is a public utility company, does not make as much profit as they should on account of their efficiency and huge undertakings. Well, Sir, part of that question was answered in reply to certain questions put in this Council last year or last session, which showed how the capital of the Corporation has been added to year after year and how the shareholders are benefiting from the activities of the

Calcutta Electric Supply Corporation. Sir, it may be within the knowledge of the members of this House that in Europe—in England, in Germany, in the United States of America, etc.—the profits of public utility companies are strictly limited, and that they are not allowed to indulge in profiteering. I submit, Sir, that the profits of a company like the Calcutta Electric Supply Corporation, which, I find from one of the commercial papers, viz., *Capital* of Friday last, was 15 per cent. last year on their so-called shares; but it is really 30 per cent. Even if it were 15 per cent., I submit that it is too much. A public utility company have hardly any reason for not reducing their charges and reducing the huge profits that they are making.

Sir, it has also been suggested that the attack in the Indian Press upon the Calcutta Electric Supply Corporation is due to the fact that it is a British Corporation. Well, part of the indictment is true, no doubt. When a public utility company incorporated in England is working in this country, we know that no part of their profits is likely to be spent for the good of this country or in this country. What have we got here? It is a British company incorporated in England, and all the huge profits are sent out of the country and they are not available for the benefit of this poor country at all. As I said a few minutes ago, it has not only been suggested but proclaimed throughout the world that the charges of the Calcutta Electric Supply Corporation are the lowest in the world. Sir, as I said a few minutes ago, it has not only been suggested but proclaimed to the world that the charges of the Calcutta Electric Supply Corporation are the lowest in the world, and that it is much lower than the charges made in England. In that connection, I need hardly remind you that here coal is cheap and labour is also cheap, but if like the Government of Bengal the Calcutta Electric Supply Corporation goes on adding to their overhead charges by paying huge salaries to the men at the top, that is not for the consumers' benefit. I submit, Sir, that the consumers of electricity in Calcutta are entitled to know whether or not the charges made by the Calcutta Electric Supply Corporation could be such as would give them a fair margin of profit and would not be a burden upon the consumers. Sir, speaking as a layman, I was only examining figures a couple of days or so ago relating to one of the extensions of the Calcutta Electric Supply Corporation in Serampore. I am giving figures from memory and may be wrong, but I am told that they supply about 20 lakhs of units to the Banga Lakshmi Cotton Mill and they charge from them about half an anna for each unit. About one lakh of units is sold to the general population in Serampore at 6½ annas. That is to say, the total charges for these 21 lakhs of units come up to about 2½ pice per unit. Why should the Corporation be allowed to go on charging at these two differential rates? Why should there not be a flat rate of 2½ pice both for the mill and general population? I am quite sure that if the

facts were placed before the Electric Supply Corporation, the Corporation would not hesitate to put forward a suitable reply. And I am sure that the members of the Advisory Board would consider that reply, and if the reply was cogent, they will be satisfied with it. That is only by way of illustration. There are complaints against all this sort of thing, and I submit that it is to the benefit of the Electric Supply Corporation themselves that these matters should be looked into by an independent body. I know, Sir, that they have got something like a Home Office of their own, a Board or a Consultative Committee, but I do not know what the functions of that body are, or whether they are elected by the public or whether have they got any powers, as far as I know, to shape the policy or the actions of the Electric Supply Corporation.

Then again, Sir, passing on to the mufassal, any number of electrical schemes are being worked in the mufassal, and I have it on the highest authority, Sir, that many of them are giving a good deal of trouble to Government. It is for the Government to see that an Advisory Board is set up and thus save a lot of trouble to the Government on these questions. Sir, I submit to the whole body of members of this House that in the interest of both the Electric Supply Corporation and Companies in and outside Calcutta and in the interest of the consumers, the formation of this Board which is long overdue should be expedited without any dissent.

Mr. H. S. SUHRAWARDY: I have no hesitation whatever in supporting the resolution that has been moved by Mr. Basu, and I hope that as he has brought to the fore this question of a monopolist institution, he will also in due course of time bring forward the question of another monopolist institution at whose hands the public are suffering. The facts which are at our disposal so far as the Electric Supply Corporation is concerned have been gathered from certain leaflets, documents and papers which have been circulated. If the information in these leaflets and documents is at all true, then there is not the least doubt that an Advisory Board should be formed as early as possible. I was afraid that Mr. Basu was concealing the merits of his motion by referring to other Electrical Companies outside Calcutta. But obviously our chief interest to-day lies in the concerns of the Calcutta Electric Supply Corporation, and the prices which they charge to the consumers. It is said that this Corporation supplies electricity to industrial concerns at cost price. The Corporation puts itself forward as an altruistic institution anxious to develop the resources of the country, and to help the industries of the province. The meaning of this is that private consumers have got to pay for the dividends, the reserves and bonuses of this Company. All the benefits which this Corporation derives should not come from the pockets of the public alone, but also from that of the

industrial consumers. We understand that quite apart from the question of dividends the reserves of the Company have been increased tenfold from what they were a few years past, and the shareholders have also got bonuses in the shape of further shares. If this is so, the price of electricity should be well and sufficiently reduced so that all should get the benefit of its considerable profits.

I have no hesitation in supporting the resolution and I trust that this Council will accept it.

Babu JITENDRALAL BANNERJEE: I have every sympathy with the object of this resolution. In the struggle between the licensees on the one side and the consumers and the local authorities on the other, our sympathies naturally are on the side of the consumers. In point of fact, the licensees here in Bengal, being in the nature of monopolists, misuse their power. Under the rules framed under the law, they are compelled to furnish all their constituents—at least to furnish the local authorities—with maps and plans. But they with impunity disregard this principle. What is demanded of them is that they should supply copies of the plans and maps, and this they flatly refuse to do. Also under the rules they are required not to impose differential rates on their constituents, but in point of fact they do impose differential rates. It is necessary therefore that there should be somebody entrusted with power to see that the rules framed under the Act—and they are wholesome and legitimate rules—are enforced and observed. In point of fact, there is considerable doubt as to whether the resolution in its present form can achieve that purpose. Supposing an Advisory Board is appointed by Government, what happens? This Board will be paralytic and crippled from its birth. They have no legal powers. They are required to advise, but to advise upon what? Upon nothing. So far as the Act is concerned there is only one section which provides the Advisory Board with something to do. That is section 38, and there we are told that their sole function is to advise upon the suitability or otherwise of the rules to be framed under the Act. Now, Sir, there is no question as to whether the rules are suitable or not. The point of grievance is that the rules are not enforced, and the Advisory Board will never have this power, unless this power is delegated to them, to see that the rules are enforced. The resolution ought to be further amplified, and there ought to be a further clause empowering this Advisory Board to recommend to Government to empower these advisory bodies specifically to deal with this question, namely, whether the rules are enforced or not. Then again, so far as the second part of the resolution is concerned, I think it is against the law. The point was raised as a point of order by Mr. Shanti Shekhareswar Ray, but it is not a question of order at all. My friend wishes that the Advisory Board should be constituted under section 35. Section 35(*3*) says that

where the Advisory Board so constituted consists of more members than two, Government should nominate the Chairman and two members, and the others should be elected by certain bodies—the Calcutta Corporation, the Chamber of Commerce and other Associations. Mr. Basu's resolution says that the Advisory Board which he wants should consist of not more than five members, that is his language, not more than five members. Out of these five the Government shall appoint the Chairman and two others. Three are appointed by the Government, and two shall be nominated by the Bengal Legislative Council, and one by the Calcutta Corporation. Arithmetically this is impossible, and it is against the provisions of the rules.

Then again, Mr. Basu says that two of the members shall be elected by the Bengal Legislative Council. Now section 35(*3*) provides that the persons to be nominated by outside bodies shall be appointed by local authority. The Calcutta Corporation is one of these authorities, the others are the Chambers of Commerce and other Associations outside the Chambers of Commerce who are large consumers of electricity. The question is, is the Bengal Legislative Council legally regarded as an Association at all? These are minor points, Sir. While I have full sympathy with the object of the resolution, I think that that object cannot be achieved by the resolution as it stands. The resolution will have to be modified and Government specifically asked to empower the Advisory Board to be constituted with powers to supervise the operation of the rules.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, although Mr. Basu's resolution does not go far enough, yet we should support it without any hesitation. He has raised a very important question which has so long been neglected. Mr. Narendra Kumar Basu has cited the case of Calcutta only, but the question applies equally to mufassal towns as well. Although, electricity was first introduced in this city, I think in most of the principal districts Electric Supply Companies have sprung into existence during the past few years. The idea of forming such Advisory Boards is to control and regulate the working of the Electric Supply Companies and to redress the grievances of consumers, Railway Companies have their Advisory Boards. Section 54(*b*) of the Indian Steam Vessels Act, as amended in 1930, contemplates, if I remember aright, the formation of similar Advisory Committees, the main idea being to redress the grievances of the public. There can be no opposition to a motion like this which is mainly intended for the benefit of the consumers. Mr. N. K. Basu has rightly characterized these Supply Companies as public utility concerns. They exist not only to serve their own interest but also for the interests of the consumers whom they are pledged to serve. The consumers of electrical energy are fully cognisant of the great responsibilities and the magnitude of the task of these Companies. Sir, I feel that the matter should no

longer be delayed and the Hon'ble Member in charge of the Department should give us an assurance that he will try his utmost to carry out the purpose of this resolution. If that assurance is forthcoming, I do not think there will be any hesitation on the part of the mover to withdraw it.

Sir, coming as I do from a mufassal district, I feel equally the inconvenience suffered by the public in the matter of supply of electrical energy. The Dacca Electric Supply Company, for instance, is a big concern. It makes enormous profits every year, but at the same time it turns a deaf ear to the requests and representations of the public of Dacca. The public had on a recent occasion entered an emphatic protest against the rate charged for the consumption of electrical energy in that city. Although the Company has in some cases, namely, in the case of the University and other corporate bodies, reduced the charges to an appreciable extent, it has turned down the demands of the private consumers. That is a state of affairs which can no longer be overlooked. I do not know whether the Hon'ble Member in charge appreciates our difficulty nor am I aware whether he is in possession of the representations submitted by local bodies and public associations. But I can tell him that the grievances of the public are very genuine and reasonable and unless something is done in this direction, the provisions of section 35 as has already been explained by the mover will remain a dead letter. With these few words, I wholeheartedly support the resolution.

Mr. P. BANERJI: I have given notice of an amendment. May I move it now?

Mr. PRESIDENT: You may move it later on. This is not the right moment.

Mr. S. M. BOSE: I beg wholeheartedly to support the resolution. Under the Act an Advisory Board if formed can do one of three things. First of all, it can hear appeals from the Electrical Inspector, and I call attention to the extraordinary fact that as things stand at present the Electrical Inspector as adviser to the Government, hears appeals from himself—a most unusual state of things. Secondly, the Advisory Board can report upon the expediency of rules. Thirdly, it can, if asked by Government, recommend an alteration of the maximum rates. I have no doubt it will be accepted by all that public utility companies, though entitled to reasonable profits, should be conducted in such a way that the public do get an advantage. Now there have been various complaints made; first as regards the heavy rate charged. It is widely advertised by the Corporation that the rates charged are the lowest in the whole world, but I doubt that statement. The flat rate is now 4 annas per unit, and it is no use for the Electric Supply Corporation to calculate charge on rebate rates, but the rate on which we are to go is the flat rate of 4 annas per unit, and on that basis. I

deny that the rates charged are the lowest in the world. Secondly, it is alleged that the Corporation makes enormous profits. On the 6th March, 1934, in reply to my question the Hon'ble Sir John Woodhead said that the dividends declared were, from 1920 to 1923, 10 per cent., from 1924-26, 12 per cent., from 1927-32, 12 per cent. *plus* 4*d.*, 4*d.*, 5*d.* and 2*d.* bonus; and in 1927 extra bonus shares were issued. The Reserve Fund in 1920 was £155,911; in 1932 the Reserve Fund including premium on ordinary shares was £1,120,000. The capital in 1920 was £1,665,000, and in 1932 £3,404,000. That shows beyond all doubt that the Electric Supply Corporation is making very good profits. I believe there is in England a law that the rates to be charged must go down according to the increase in the dividends earned. But there is no such thing here. Twelve per cent. is an enormous profit, I submit, to make, and I therefore urge that the complaint made that the rates charged should be reduced is perfectly justifiable.

Then there is another complaint to which I beg to draw the attention of the Hon'ble Sir John Woodhead, about the proposed supply of alternating current in place of direct current. That I submit is a most dangerous practice, dangerous to human life though very cheap. On all these grounds I think that an Advisory Board should be immediately nominated.

Mr. PRESIDENT: I think Mr. P. Banerji may move his amendment at this stage.

Mr. P. BANERJI: I beg to move——

Mr. PRESIDENT: I take it that you have obtained the consent of those members whose names you are going to propose?

Mr. P. BANERJI: Sir, a notice was issued by the Council Secretary that it was only in the case of Select Committees on Bills that such consent was necessary. I did not know that such consent was required in case of resolutions also.

Mr. PRESIDENT: I am not aware of that circular, but I can tell you that it is necessary in the present case also.

Mr. SHANTI SHEKHARESWAR RAY: Do you think it necessary to obtain consent in connection with resolutions also?

Mr. PRESIDENT: That was my ruling.

Mr. P. BANERJI: Apparently I was misled by the circular and therefore I did not take their written but only their verbal consent.

Mr. PRESIDENT: Then you have consulted them and they agreed to serve.

Mr. P. BANERJI: I have consulted everybody except Mr. Redclift.

Mr. PRESIDENT: All right, you may then move your amendment omitting the name of Mr. Redclift. In future you should obtain such consent in writing.

Mr. P. BANERJI: I also want your permission to add the words "among others."

Mr. PRESIDENT: I give you permission to do so.

Mr. P. BANERJI: Thank you, Sir. I beg to move that in motion No. 2, lines 4-6, for the words beginning with "consisting of" to the end, the following be substituted, namely:—

"consisting of—

(1) Mr. Narendra Kumar Basu,

(2) Khan Bahadur Muhammad Abdul Momin,

(3) Mr. C. C. I. Eastgate, M.I.E., M.I.E.E (London), Chartered Electric Engineer, Local Secretary, Institution of Electric Engineers (London),

(4) Dr. B. N. Dey, D.SC.,

(5) Mr. S. C. Mitter, B.SC. (London), Deputy Director of Industries, and

(6) Mr. P. Banerji, among others."

Sir, by the acceptance of this motion the whole problem will be solved. There are no two opinions in this House that a Board like this is long overdue. You are aware, Sir, that when there was a dispute between the Municipal Corporation of Lahore and the Electric Corporation there, the Punjab Government at once formed an Advisory Board to settle the dispute, and it is well known that the rate was at once reduced from 8 annas per unit to 4 annas a unit. Now, a similar Advisory Committee has been formed in Bihar and I understand also in Madras; so such a Committee seems to be long overdue in a premier province like Bengal, and I do not think there are two opinions in this House on this point. I also think that members of Government should have at once stood up and let us know their opinion instead of our wasting breath in this fashion.

The Hon'ble Sir JOHN WOODHEAD: In that case Mr. P. Banerji should sit down.

Mr. P. BANERJI: If the Government opposes the resolution, then we can at least know how to proceed. In the present circumstances their difficulty may be due to the fact that last year we brought this matter to their notice, but they did not move in the matter for the simple reason that they themselves were a party to it as they were receiving undue preferences (which was against the law) in the shape of concession rates, while the public who were clearly entitled according to the law to low rates were paying high rates and nothing was done. Although on the floor of this House we raised the question of undue preference, there was nobody to look into the interests of the consumers or settle the dispute arising between the public and the monopolist company. It is a well-known fact that as a war measure when during the war the price of coal went very high the rate was raised from four annas to four annas and a half, but just after the war when the rates were reduced in many countries already, here it was reduced after many years by only half an anna per unit, in spite of the fact that the price of coal which had risen during the war to Rs. 24 per ton had then come down to as low a figure as Rs. 4 or Rs. 3-8 per ton. The public agitated and agitated and the monopolist Company has paid no heed at all, neither did the Government's Electric Inspector do anything; perhaps he was busy otherwise and had no time to advise Government in this matter, although complaints were going on in the columns of the public press for months together. Then the question was taken up by another local body, namely, the Corporation of Calcutta. When they satisfied the Electric Corporation their rates were reduced, and I am told that they are also negotiating for a further reduction of the rates in their favour. Considering all the circumstances I think that the existence of an Advisory Board would have settled the dispute long ago and there would be no grievances at all, but Government did not do anything. But now the matter has reached a crisis and it is high time that Government stepped in. Therefore, members all unanimously think that the existence of such a Board is long overdue.

That being the case, Sir, we find that there has been a difference of opinion. Some members raised the question that Government can only appoint or nominate one Chairman and two members, but the difficulty is that some gentlemen have suggested that the Corporation or other local bodies should elect three members, but I have kept it absolutely open and Government can nominate whatever members they like, but the fact remains that in order to work it properly the best means available is the existence of competent men and I have therefore suggested the name of Mr. Eastgate who is interested in electrical engineering and is also a competent and expert electrical engineer. So such a man must be on the Advisory Board. I have also suggested the name of Mr. Narendra Kumar Basu, and also of Khan Bahadur Muhammad Abdul Momin who was not only a high Government official but was

also the Chairman of the Chittagong Port Trust. Then again, I have suggested the name of Dr. B. N. Dey whose activities and qualifications are well known to every member of this House. He by his influence, experience and expert knowledge of the subject will be very helpful to the Committee, inasmuch as the Committee will be able to work very satisfactorily and will be able to settle disputes. I have also suggested the name of Mr. S. C. Mitter, Deputy Director of Industries, for the simple reason that the man who is interested in the industries of the province ought to be on the Committee, as I consider that electricity is no longer a luxury but a necessity, and the law provides that there should be low rates for industries. Therefore, it will be found that I have suggested the best men, and it is open to Government to appoint a few more. As regards myself, the least said the better as it is well known that I always voice the public opinion. Therefore, the House ought to accept my motion.

Mr. J. N. GUPTA: Sir, there is a similar motion in my name. May I move it at this stage?

Mr. PRESIDENT: You need not move your resolution, as the decision on this resolution will cover all similar resolutions. But, you can speak on this resolution.

Mr. J. N. GUPTA: As Professor Bannerjee has pointed out, the appointment of an Advisory Board in accordance with the resolution of Mr. Basu may not be legal. Therefore the resolution put down against my name, namely——

Mr. PRESIDENT: But that point has been disposed of by me. I pointed out very clearly that a resolution is not mandatory, it is merely a recommendation.

Babu JITENDRALAL BANNERJEE: Sir, I do not question your ruling at all, but that is a different matter and so far as that point is concerned your ruling is final. But so far as argument is concerned——

Mr. PRESIDENT: The point is that Mr. Gupta cannot be allowed to forget that the priority as settled by the ballot is final. I cannot allow him to move a resolution out of its turn.

Mr. J. N. GUPTA: Sir, I can quite follow your observations, but the only point is that if there are legal objections to the resolution in the form put by Mr. Basu——

Mr. PRESIDENT: I repeat that I have already disposed of that point.

Mr. J. N. GUPTA: In that case, Sir, I support the resolution of Mr. Basu and say that the formation of an Advisory Committee will be helpful to everybody, the public and others. In the case of the railways and other administrations Advisory Boards have been formed, and I do not see any reason why in this case such an Advisory Committee should not be appointed. It is really already overdue as has been stated by Mr. Narendra Kumar Basu, and I therefore strongly support the resolution.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, having your ruling in view, I rise to say a few words in support of the resolution. In my support I hope to be better understood by the Electric Companies on the one hand and by the consumers on the other. Taking a longer view of the whole thing as a business organisation the Electric Companies should feel more secure in taking into confidence the public who are ultimately their customers and whom it is necessary to serve to create more demand for the commodity. Electric Companies, we are glad to say, have grown in Bengal with increasing rapidity and their balance sheets are pleasant reading for the shareholders.

It was, I believe, primarily for the protection of the consumers that the Electricity Act, IX of 1910, was passed. Sir, it is now the accepted principle everywhere to look to the greater good of the consumers, and I hope the House will support wholeheartedly the resolution and give effect to section 35 of the Act which aims at securing to the consumers greater relief in these days of depression. Sir, just by way of a judicious relationship between supplier and consumer the resolution should claim sympathy from the whole House.

But, Sir, it seems rather strange that nobody raised his voice to protest against the excessive charges of the Companies and thereby overlooked the consumers' interest persistently.

Sir, I will make my point more clear by illustration—whereas Calcutta pays annas 2½ per unit, Patna has annas 4 and my native city, Dacca, whose interest is nearest to my heart, was being bled white by a rate of annas 6-6 per unit for the last 20 years and more. The same Octavius Steel & Co. manages both at Patna and Dacca. Dacca with its University, Military Cantonments and the new suburbs of Ramna, I presume, consumes more units than Patna, yet the Company has a very objectionable leaning to the city of Patna in Bihar because there is probably an Advisory Board there. Although they have reduced their rates from 6½ annas to 5 annas lately after deduction of rebate, but still that is no relief. The rate, Sir, is still heavy to bear and the inhabitants of Dacca have represented their hardship to the Company, but to no effect.

Sir, I have the Calcutta Corporation resolution on 31st November last to back in the matter.

With these words I support the resolution for the appointment of the Advisory Board.

Maulvi ABUL KASEM: Sir, I rise to support the resolution moved by my friend Mr, Narendra Kumar Basu. I am not concerned with the wording of the resolution or the legal technicalities or difficulties in the way, but I can assure the House that this arbitrary action of the Electric Companies, particularly that of Calcutta, is a matter which should be remedied. Whether an Advisory Board or a Committee will be the proper remedy or any other action is beyond my province, but I know that the consumers suffer very much because they have to pay a very high rate. It has been mentioned by my friend Mr. Basu that he has seen posters that the supply of electricity in Calcutta is the cheapest in the world. Those who have published these posters, I would request them to see the rates in Switzerland, Italy and what is more even in Madras. Then there is the question about profits and dividends to the shareholders. So long as it can be shown that a reasonable profit is secured by the Company, I do not think Government should allow them to charge more simply to increase the dividends. If they fail to pay proper dividend, it is due to their mismanagement. In the city of Burdwan from which I come an Electric Supply Company was started and they charged an abnormally high rate per unit supplied which was annas 10 a unit. On our appeal to the Government officials the Commissioner of the Burdwan Division held that as the expenses of the Company were great and as they were paying no dividend, the charges should be high—much higher than Hooghly or Chinsura. In spite of the fact that the people of Burdwan had to pay a higher rate, the Company had to sell their contract to another party who are making heavy profit. The reason is that the former Company who had influence with the Municipality and the Government were able to secure high rates, but had not the capacity to run the business. So what I submit is that with much lower rates the Electric Companies can make good profit. If they fail, they fail for want of business capacity. I therefore submit that the resolution, whether in letter or in spirit, should be accepted at least by this side of the House if not by the whole House, except by those whose personal pockets will be touched. I hope, Sir, it will be carried. As it is a mere recommendation, I hope Government will take the verdict of the House seriously into their consideration and take the necessary steps.

Mr. F. T. HOMAN: Mr. President, Sir, there has been a great deal of public misconception concerning rates for electric current, particularly domestic current. It is a technical question upon which volumes have been written and one cannot go into the relative rates for great consumers and domestic consumers in this Council. But, I

would like to point out that attention has been drawn in the Press to what has been incorrectly stated as a fact, that there have been many millions of consumers in the United Kingdom who have been able to get current for domestic purposes at from 1 penny or 3 farthings to half a penny a unit. That is a mis-statement of facts. The true facts are that, those are the rates paid for current actually consumed, and in addition all consumers have to pay something as a standing charge which is calculated on varying bases, so that the average rate that is being paid is very much higher than those quoted. The fact is also lost sight of that, in and around Calcutta, there are one and a half million people who can obtain current for domestic purposes at 1 anna a unit, for heating, cooking, refrigerating and other uses than for lights and fans. The average rate will not certainly work out at one anna per unit, but will be something between 2¾ annas to 1 anna per unit according to the quantities used for varying purposes. And even to-day a household making full use of electricity for all purposes can obtain current at an average of 1¼ anna per unit.

The hon'ble member proposing the motion has referred to the Consultative Committee attached to the Calcutta Electric Supply Corporation. That Consultative Committee has been in existence for a number of years. It consists of representatives of—

the Bengal Chamber of Commerce,
the Calcutta Trades Association,
the Howrah Municipality,
the mufassal Municipalities,
the Calcutta Corporation, and
the Calcutta Electric Supply Corporation.

All, except one, and the member representing the Calcutta Electric Supply Corporation, are elected by the bodies they represent. The one exception is a member for the mufassal municipalities, who is nominated by the Board of the Company. Their duties are to enquire into all matters affecting the relations of the Company with the public. That Committee, at their meetings held on the 8th June and the 10th August, investigated the allegation made in the press concerning the affairs of the Company, and their unanimous opinion was that the agitation was unfounded and that the rates charged by the Company were intrinsically and relatively low and were reasonable. I can assure you, Sir, that the Consultative Committee does not fail in their duty to the public when in their opinion they consider that the rates charged by the Calcutta Electric Supply Corporation are in need of revision, and in such case remind the Company that it would be advisable to consider whether it is possible to make reductions.

At the time of the investigation of which I have spoken the representatives were—

Mr. S. A. Roberts, representing the Bengal Chamber of Commerce.

Mr. E. J. Slater, representing the Calcutta Trades' Association.

Mr. B. K. Bhattacharyya, representing the Howrah Municipality.

Mr. K. L. Goswami, representing the mufassal Municipalities.

Mr. N. R. Sarkar, representing the Calcutta Corporation.

Sir, mention has been made by an hon'ble member of the fact that current is supplied to Government at a flat rate of 1·8 annas per unit, and he has said that that sort of undue preference is presumably unjustified.

Sir, the purposes for which supply is given to Government on the flat rate of 1·8 annas, include not only lights and fans but also motors used in the same manner as motors for industrial purposes. Those motors in Government use a total of 3,119 horse power—a very large total. The normal rates chargeable for motors for industrial purposes on low and medium pressure vary between ·6 anna and 2 annas, according to the degree of use. It will therefore be apparent that the Government rate of 1·8 annas per unit is an average between the domestic rate of 2¾ annas and the industrial rate which varies between ·6 and 2 annas—a fair average in fact for the service which is given to Government.

Mention has also been made, Sir, of the dividends paid by the Calcutta Electric Supply Corporation. The dividends refer to ordinary share capital only. That ordinary share capital represents less than one-third of what has gone into the business from shares, loans and reserves.

The majority of the ordinary shares were issued at a premium, and the 12 per cent. paid on ordinary shares represents an yield of 9¼ per cent. only on the ordinary share capital actually received from ordinary shareholders.

Mr. NARENDRA KUMAR BASU: Only?

Mr. F. T. HOMAN: Yes; the dividends, as a whole, on the share and loan capital actually received, represents a return of under 8 per cent., and the total amount paid out in dividends on ordinary and preference shares, and in interest on loans, represents only 5½ per cent. on the total capital invested in the business.

Mention has also been made with regard to Companies operating in the United Kingdom, and it has been said that their dividends are limited. That, Sir, I believe, to be true in some cases, but not in all. I have here with me a list of the Companies operating in the United

Kingdom. There are 129 Companies, and out of that number there are 34 paying dividends of 10 per cent. or over, that is, more than 25 per cent. of the Companies pay dividend of 10 per cent. or over on their ordinary share capital.

Sir, mention has already been made with regard to coal and labour in Calcutta being cheap. It is so. But unfortunately in the production of electricity coal and labour represent a very, very small fraction of the total cost of supply. By far the greater portion of the charge that has to be met by a consumer—whether a large consumer or a small consumer—is made up of the capital cost. Therefore, the interest chargeable on the cost of giving service depends upon the cost of plant, machinery, cables, and all the items which have to be provided to give that necessary service, which has been referred to by an hon'ble member as a necessity of life to-day. It is this cost of giving service with a large plant which makes the cost apparently high, when the generation cost is low. It cannot be avoided, and, especially in India, unfortunately, one cannot get plant and machinery manufactured locally: they all have got to be imported from the United Kingdom, or from other countries outside of India; and customs duties, freight charges, etc., have got to be paid. All these must, necessarily, make the charge very much more than when electricity can be supplied by means of machinery manufactured in this country.

Sir, there is one further point to which I wish to refer with regard to the shares of the Calcutta Electric Supply Corporation. It may not be generally known that there is a register—termed the "Dominion Register"—and Indians are able to buy shares just like the Europeans —in fact, they are available to any British subject.

Sir, I do not oppose the formation of an Advisory Board. (MR. NARENDRA KUMAR BASU: Hear! hear!) I welcome it. I think that if an Advisory Board is constituted by Government, it will by its investigations serve to clear up a great deal of public misconception regarding the affairs not only of the Calcutta Electric Supply Corporation but of any other body, the affairs of which it may be entrusted by Government to investigate. (MR. NARENDRA KUMAR BASU: Hear! hear!)

As regards the constitution of the Advisory Board, it is not for me, Sir, to suggest who should be on it; but I should like to put forward that it should be of an impartial and judicial character, and that the members thereof should be capable of adjudicating on the questions referred to it by the Local Government.

Mr. SHANTI SHEKHARESWAR RAY: Sir, with your permission I beg to move an amendment to the resolution, viz., that the words "consisting of not.....the Corporation of Calcutta" be omitted. The

reason is that I believe in the amended form the resolution will be less unacceptable to the Hon'ble Member in charge. As the resolution stands, Government can, and I think rightly can, say that they cannot accept it, because they may point out that the resolution asks them to do certain things which is not in their power to do. In this matter they have an Act of the Indian Legislature and that law provides that an Advisory Board should be constituted under certain lines. It is not in the power of the Government of Bengal to avoid that law. So, Sir, whatever recommendations we send up from this House should be of such a nature that the Government may find acceptable. We do not recommend to the Government to amend the law as it stands, but we suggest that Government should constitute forthwith an Advisory Board. Well, Sir, there is general support for the suggestion that an Advisory Board should be constituted, and in view of that expression of opinion from a very large section of this House, I hope that Government may find their way to accept the resolution in the amended form I have suggested.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Before, Sir, I give my support to the resolution of Mr. Narendra Kumar Basu, I wish to offer my congratulations to Mr. Homan for his very able maiden speech to which we have listened this afternoon. I think he has very lucidly explained the position as regards rates and dividends, and I congratulate him also because at the end he has not opposed this resolution, but as a matter of fact supported it. Sir, I do not wish to go into this question of rates, although I think there are some anomalies and some discrepancies so far as the consumers are concerned. For instance, Mr. Homan has said that the average flat rate to a consumer comes to 1 anna and 6 pies per unit, taking into consideration that the rate for domestic purposes is 1 anna. I would like to tell the House that this consumption for domestic purposes, that is cooking and heating, etc., really does not affect the average Indian householder. They do not use electricity for cooking or heating purposes. As a matter of fact, heating is not necessary so far as Calcutta is concerned. So, the only people who take advantage of this reduced flat rate are those who can very well afford to pay much higher prices. I do not want to quarrel with what they call differential rates for Government, as has been done by Mr. P. Banerji, because after all if any concession is given to Government, it really comes back to the ratepayers, and, therefore, an objection on that score does not appear to me to be reasonable.

Babu Jitendralal Bannerjee, I am afraid, has criticised this resolution on technical grounds which to me does not appear to be quite correct. He says that the resolution in a way limits the personnel and the number of the Committee which is against the provisions of

section 35(3) of the Act. I do not think, Sir, that that is correct, because when we read section 35(3), the last sentence of it says, "that the Committee can be formed of members some of whom are nominated in a certain way and the remaining members shall be nominated by such local authorities as the Chamber of Commerce and other Associations as the Governor General in Council or the Local Government as the case may be." Therefore, Government have got a free hand.

Babu JITENDRALAL BANNERJEE: The resolution mentions five—do not forget that essential number.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Then, Sir, section 35 says that "the Local Government will define the duties and regulate the proceedings of such a board." Therefore, it is entirely with Government to nominate a Board and also to define what powers such a Board will have. Every speaker who has spoken before has stressed only on the question of rates and dividends. I do not think that that is the only duty which the Advisory Board will have. There may be other duties and the Local Government may not empower them to reduce the rates or to limit the dividends or so forth. What is necessary is that there should be an Advisory Board and that any complaints which the consumers may have should be brought before that Board, and if the Board think fit, their representations might be considered and submitted to Government. At the present moment, the consumers' interest is not watched by any Board. We have got a Consultative Committee, as has been said by Mr. Homan, but I do not know whether it is a statutory body. It does not appear that the law authorizes the formation of consultative bodies, nor are there any rules by which these consultative bodies are to be guided. I know there is a member who represents the Calcutta Corporation is on this Consultative Committee, but I have not heard any criticisms of the Board or any suggestions from that representative in the Corporation. I presume that probably the other members of the Consultative Committee are also more or less sleeping partners. I think, Sir, as there has been no opposition to this resolution, it should be accepted by Government.

The Hon'ble Sir JOHN WOODHEAD: Sir, I do not propose to take sides in the tussle between the members of the public and the Calcutta Electric Supply Corporation. It is not my duty to defend either the one side or the other, but to those who have freely criticized the Corporation, I would, not by way of defence but by way of information, draw attention to two or three matters. The first is that the share capital, as Mr. Homan has pointed out, does not consist entirely of ordinary shares; it includes a large amount of preference shares, the rate of dividend paid on preference shares is much lower than that paid on ordinary shares—it is 5½ per cent. In addition.

there are debentures. If we take the whole of the share capital, preference and ordinary, I believe I shall be correct in saying that the average dividend paid works out to about 8 per cent. or to rather less than 8 per cent., if debentures are taken into account. The second point is as regards the rate charged for domestic supply. From 1st January, 1935, the rate for domestic supply will be 2½ annas per unit over the whole area; Mr. Basu made a mistake when he spoke of a rate of 6½ annas at Serampore. The rate is uniform throughout the whole area served by the Calcutta Electric Supply Corporation, and from 1st January, 1935, that rate will be 2½ annas. And I believe I shall be correct in saying that this is the lowest rate in India. It may also be of interest to compare that rate with the rate in Hooghly-Chinsura which is next door to Serampore. The Hooghly-Chinsura Supply Company at one time and another has given us a great deal of trouble. The rate there is 6 annas, though it is next door to Serampore. I suspect, Sir, the residents of Hooghly-Chinsura would rather welcome the advent of the Calcutta Electric Supply Corporation.

Again, I noticed that Mr. Gupta spoke on the resolution. I believe he lives in Barrackpore. The rate in Barrackpore is 5½ annas. If Mr. Gupta removed his residence a little nearer Calcutta, he would more than halve his electric supply bill.

Now, Sir, there are other points which the critics of the Calcutta Electric Supply Corporation might bear in mind. I do not say Mr. Basu raised those points but they have often been raised in the press. Our old friend—the preferential rate for Government—has cropped up again in the observations made by certain speakers. Sir, there is no undue preference. It is a well-recognized commercial proposition that the large consumer should pay a lower rate than the small consumer and, as Mr. Homan explained, the rate charged to Government covers not only lights and fans but also all current used for power purposes. So, in any case, I think it will be agreed that the flat rate charged to Government for electricity supplied for all purposes must of necessity be less than the rate charged to the consumers who only use electricity for lights and fans.

I expected to hear a lot about A.C. *versus* D.C., and I was a little surprised it was not stressed as strongly as I had expected it should be. The use of A.C. is in accordance with the best modern practice, perhaps it may be news to the members of this House to know that A.C. is used in Kurseong, Darjeeling, Comilla, Hooghly-Chinsura, Bhatpara riverside, Burdwan, and Narayanganj and will be used in all the new Supply Companies which are now being formed. As I have said, it is in accordance with modern practice, and while all these complaints have arisen in Calcutta with regard to the danger of A.C., I have not yet heard anyone suggest that in the mufassal areas there is more than normal danger.

Sir, Mr. Basu's resolution falls into two parts, and I propose to deal separately with these two portions. The first recommends Government to constitute forthwith an Advisory Board for the province, and the second deals with the constitution of that Board. As regards the first part, I accept the principle underlying that portion of the resolution, and I will try and explain why I cannot accept the resolution itself, that is, as actually worded. The resolution contemplates the appointment of one Advisory Board for the whole province, but I am doubtful whether that is a practical and workable proposition. We in the Government have recently been turning over in our minds the desirability of creating an advisory authority to assist us in regard to questions relating to the mufassal Supply Companies. Those Companies give us a great deal of trouble and cause us considerable anxiety, and we have thought from time to time that an Advisory Board might assist us and perhaps strengthen our hands in dealing with the difficult questions arising in regard to these Supply Companies. The majority of the speakers have however not approached the question from that angle. They have approached it from the point of view of the Calcutta Electric Supply Corporation, and particularly from the point of view of obtaining a revision not of the maximum rate but of the actual rate charged by that Company to domestic consumers. What they contemplate is rather an Advisory Board for Calcutta and their object in recommending the creation of such a Board is to examine the questions which trouble them and which arise in their minds as regards the Calcutta Electric Supply Corporation, particularly as regards the rates of supply. I hope it will be recognized—and I believe there are indications in to-day's speeches that this is recognized—that a Standing Board for that is what is contemplated by section 35, a Standing Board for the whole province which might be suitable for dealing with the framing of rules and general questions arising in connection with the administration of the Electricity Act, would in all probability, indeed almost certainly, not be suitable for dealing with such a difficult question as the actual rate charged by a particular Company, especially a Company operating on such an extensive scale as the Calcutta Electric Supply Corporation.

The constitution of a body, Advisory Board or Advisory Committee appointed to deal with the complicated question of rates is a matter which will require very careful consideration. Such a Board must be absolutely impartial, if it is in any way partial one side or the other is not likely to accept the conclusions reached by the Board. And in this connection I would ask the House to remember that the recommendations of the Board are not capable of being given statutory effect except in so far as they refer to maximum rates. Secondly, such a Board must be composed of persons who are fully competent to examine the accounts of a huge concern like the Calcutta Electric Supply

Corporation. The question of the actual rate which should be charged is not a simple matter but a most complicated one. It is linked up not only with the rates for the domestic consumer but also with the rates charged to industry.

Again, supposing that Government wanted advice, I do not say that they want such advice, but supposing that they did wish to have advice on this highly technical matter of A.C. *versus* D.C., it is unlikely that a Standing Advisory Board for the whole province would be a suitable body to advise Government on that technical question.

In fact, Sir, I am not satisfied that a Standing Board—I lay stress on the word "Standing" because that is what is contemplated by section 35—would be a suitable body for dealing with specific difficult questions relating solely to one particular supply organization. And perhaps I may remind the House that in 1916 when the Government of Bengal appointed a Committee to examine this very question of the rates charged by the Calcutta Electric Supply Corporation, the Committee was appointed not under section 35, but under Article 11 of the Schedule to the Act. It was really an *ad hoc* Committee appointed for a particular purpose, a Committee, which after having submitted its report, ceased to exist. What section 35 appears to contemplate is a Standing Advisory Board for the whole or a part of the province dealing with questions arising in the course of the ordinary administration of the Act, and I am not at present satisfied that such a Standing Board would be a suitable agency for advising Government in regard, for example, to the complex question of the rates charged by the Calcutta Electric Supply Corporation. Personally, I incline to the view that an *ad hoc* Committee would be a far better body than a Standing Advisory Board for the whole province to advise on that matter.

These are the reasons which have led me to the conclusion that I cannot accept the first portion of the resolution, for if I were to accept it Government should be under an obligation to appoint one Advisory Board for the whole province, and to refer to that Board the points about which we have heard so much to-day. I do not want to tie Government's hands in that way. Therefore, while I am prepared to accept the principle underlying the first portion of the resolution I cannot go further and accept the resolution itself.

As regards the second portion of the resolution, I noticed with some surprise that Mr. N. K. Basu did not say a word about it. I am not quite certain whether Mr. Basu supports it. That portion of the resolution has been criticised by several speakers, and I certainly cannot accept it. In regard to the personnel of any advisory body, whether a Standing Board or an *ad hoc* Committee, which may be appointed,

Government must be given a perfectly free hand. That is the position under the Act. Government is empowered by the Act to determine the manner in which members of a Board shall be appointed and I cannot accept any resolution which seeks to bind Government as regards the persons who shall be selected for appointment or the manner in which they shall be appointed.

Again, to make myself perfectly clear, I must point out that Government must reserve to itself the decision as regards the questions to be referred to any Advisory Board or *ad hoc* Committee which may be established. Further, to prevent any misunderstanding, I feel I should like it clear that any advisory body which may be established will not have a roving commission to enquire into any matter they may think necessary; the duties of such a body will be decided by Government.

After what I have said I do not know whether Mr. Basu is prepared to withdraw his resolution.

Mr. NARENDRA KUMAR BASU: Not at all.

The Hon'ble Sir JOHN WOODHEAD: Then, Sir, all that I can say is that, as regards the first part I accept the principle underlying the resolution, but for the reasons stated I cannot accept it as worded. The second part of the resolution I certainly cannot accept, for Government must be free to decide the constitution of the Board and also how the members of the Board shall be appointed.

Mr. NARENDRA KUMAR BASU: I must say at the outset that I am thankful to the Hon'ble Sir John Woodhead for having pointed out that I had made a mistake as regards the Serampore rate. I find that the mill takes about 30 lakhs of units at half-anna per unit making 15 lakh annas and the rest of the population used about a lakh of electric units at 2¾ annas making a total of 2¾ lakh annas, the total being 15¾ lakh annas spread over the mill and the total population, but the arithmetic of the calculation is quite correct and that if the flat rate for the mill and for the total population was 2½ pice the same result would follow. Therefore, even though I may have made a mistake as to the rate in Serampore, the result is quite correct.

Now coming to Sir John Woodhead's attitude towards this resolution I must say that I miss the perspicacity of the utterances of Mr. Woodhead in the speech of Sir John Woodhead, probably because his absence elsewhere on higher and more diplomatic duties has made his language more difficult to follow. As regards the mufassal Electric Companies he has said that the Government intend to have one or more Advisory Boards.

The Hon'ble Sir JOHN WOODHEAD: I did not say so. I said that I have been turning over in my mind whether some kind of Advisory Board might not be useful in dealing with this question.

Mr. NARENDRA KUMAR BASU: I thank him for the correction. I think it is in the minds of Government to go into the question whether some sort of Advisory Board is not necessary for the mufassal concerns. As for Calcutta he has not told us if there is anything passing through the minds of Government, if they have got any mind at all. As far as I can see Government's attitude, their attitude is a reminder of the famous Bengali proverb regarding the mother and the witch. Mr. Homan welcomed the resolution and said that the formation of an Advisory Board would be to the benefit of the Company in Calcutta. That is a correct attitude. But Sir John Woodhead is very nervous and says "let us have no Advisory Board" because then the question of undue preference to Government, which he says is non-existent, will have to be considered by the Advisory Board.

Mr. F. T. HOMAN: On a point of personal explanation. I did not accept the resolution or support it. I said that I would not object to the proposal for the formation of an Advisory Board.

Mr. NARENDRA KUMAR BASU: There again there is a distinction without a difference. Perhaps Mr. Homan has changed his mind after hearing Sir John Woodhead's speech. What I was going to say is this: That Sir John Woodhead is very emphatic in saying that there is no undue preference to Government. In a matter of that description between the Government on the one side and the people who make this allegation on the other, I am sure that Sir John Woodhead will see for himself that as regards the Advisory Board he is not in the best position to give an interpretation in his own favour. If there were an Advisory Board the rate might or might not come down; it all depends, I ask the members of the House to remember that only 6 or 7 months back there was a cry in the Punjab about the rates of the Lahore Electric Corporation and when an Advisory Board was appointed the rate promptly came down. I am not saying that the appointment of an Advisory Board has made the Lahore Corporation to bring down their rate. It may be due to a fortuitous concourse of blind atoms, but there it was and I see no reason why Government here should not accept the very words of this resolution that an Advisory Board for the province may be constituted forthwith. Sir John

Woodhead has been pleased to say that he cannot have a Standing Committee to go over the whole province and go into all the multifarious questions affecting Calcutta and the mufassal. But under clause 4 it is for the Local Government by a general or special order (mark you the words "special order") to define the duties and regulate the procedure of any such Board and to determine the tenure of office of the members of the Board. Well, Sir, if a Committee is appointed for the purpose of going into the question of the Electric Supply, their tenure and their duties may be defined in that way. There is nothing to prevent Government from dissolving that Committee and having another Board for the rest of the province. I do not think that Government has been for the last few years so very much responsive to the recommendations of this Council that, because the resolution asks that an Advisory Board be appointed forthwith for the province, therefore they will not be able to appoint one or more successive Boards for different parts of Bengal. I submit that it is not outside the wording of this resolution that such Committees be appointed. As regards the personnel, I submit that it is not against the law as laid down in clause (3) of section 75. Mr. Bannerjee, I mean Mr. J. L. Bannerjee, has forgotten that mine is a recommendatory resolution and that the whole of clause (3) says that where there are more than two other members, two of the other members shall be nominated by the Local Government or the Governor General. What is there to prevent the Local Government from making their nominations out of the representatives of the Calcutta Corporation or of the Legislative Council? Supposing the person recommended by the Calcutta Corporation is nominated by the Local Government, it is difficult to see what harm will be there. My resolution is really a recommendatory one and there is no point in the objection being taken that the recommendation is asking Government to do something which is against the law. Having regard to the unanimous voice of the members who have spoken, not excepting the Hon'ble Member of the Bengal Chamber of Commerce representing the Calcutta Electric Supply Corporation, I hope the resolution will be accepted by the House.

The amendment of Mr. Shanti Shekhareswar Ray was then put and agreed to.

The amendment of Mr. P. Banerji fell through.

The original resolution was then put in the following form and agreed to:—

"This Council recommends to the Government to constitute forthwith an Advisory Board for the province under section 35 of the Indian Electricity Act, 1910 (IX of 1910)."

Resolution regarding [illegible] remission of revenue in Chittagong and other districts.

Haji BADI AHMED CHOWDHURY moved that this Council recommends to the Government that the revenue of the revisional survey of the temporarily-settled estates of Chittagong and other districts, which was enhanced on the basis of the rise of the price of paddy and jute, be remitted at least by 25 per cent. till the price of paddy and jute again comes to the normal condition.

He addressed the Council in Bengali. The following is a translation of his speech:—

Sir, I beg to propose that the rents fixed during the last revenue survey in the temporarily-settled estates in Chittagong and other districts may be reduced at least by 25 per cent. As the rents were assessed at a time when the price of jute and paddy was much higher than at present, the reduction proposed should remain in force until at least the price of these commodities attain the same level as before.

The revenue survey in temporarily-settled estates takes place every 30 years for the purpose of assessing annual rents on the basis of the price available at the time for the staple crops raised in the estates. Paddy and jute are the usual staple crops in Bengal. Years ago the price of these two kinds of agricultural produce was Rs. 3-8 to Rs. 4 per maund, but it began to fall since 1928 and has at present come down to Re. 1 or Re. 1-4 per maund in Chittagong.

In reply to my question in the Council on the 31st August, 1933, Government stated that paddy was selling at Re. 1-8 per maund in Chittagong. Even accepting this figure, we find that during the last 5 or 6 years the price has gone down on an average by two-thirds.

The periodical revenue survey was started in Chittagong in 1924 and finished in 1929. The rents, therefore, were fixed in accordance with the price of paddy obtaining at the time, which was Rs. 4 to Rs. 4-8 per maund. As a result, rents were enhanced twice, thrice and in some cases even four times the original amount. When the price of paddy and jute came down, I put forward in this Council proposals for a reduction of rents. The late Sir P. C. Mitter, Revenue Member, at the time, fully realized the gravity of the situation and promised to grant a temporary reduction in rents provided that such depression would continue for some years longer. He, however, afforded some relief by reducing the penalty charged on arrears of rents from 25 per cent. to 2 per cent., as also, the road cess and public works cess in some districts to the extent of 12½ per cent. On 21st February, 1933, I brought forward another proposal for reduction of rents. But I withdrew it as the Government assured me of an amicable settlement. I am sorry to say that nothing has been done in this direction since the sad demise of the Hon'ble Sir P. C. Mitter.

The *khatians* relating to the revenue survey held in Chittagong will show that in many cases the amount of rent per acre has been fixed at Rs. 15 to Rs. 30. For purposes of reference I have brought with me *khatians* Nos. 50, 53, 59 and 67 relating to the Juidandi mauza within the Banskhali police-station. An acre of land here does not yield more than 20 maunds of paddy. Leaving aside half of this for the expenses of cultivation, the highest amount that the remaining half can fetch under the present market conditions can never be more than Rs. 15. How is it then possible to pay a rental of Rs. 20 to Rs. 25 per acre? The result is, a large number of tenancies are being abandoned and are going into the direct possession of Government. The late Hon'ble Sir P. C. Mitter also stated that he was prepared to amicably entertain the question of remitting the rents in particular cases if these were put up before the Government. Unable to bear the heavy rents the tenants of holdings Nos. 658, 660 and 662 in the Banskhali mauza within the Banskhali police-station surrendered their holdings by registered applications. Then, again, owing to an unusual rise of salt water by far the greater portion of land in the said mauza remained uncultivated. Petitions were submitted to both the Collector and the Divisional Commissioner of Chittagong for a remission of rents, but they rejected them without holding any local enquiry and without forwarding them to the Government.

On 9th August, 1933, Government's reply to my question No. 18 was that the price of foodstuffs having gone up after the cadastral survey, the rent was increased at the time of the revenue survey and that the revenue of the *Noabad taluks* in Chittagong was fixed at Rs. 9,49,585 in place of the previous amount which was Rs. 6,23,500. That is to say the enhancement effected has been more than 50 per cent.

On 9th August, 1933, in reply to my question No. 16, Government informed me that the revenue of the *mahal* called Chhotachhanua, belonging to Babu Joges Chandra Roy, was enhanced from Rs. 3,574 to Rs. 8,974. The area of land in the said *mahal* is 2,067 acres.

Previous to the revenue survey the *mahal* was valued at one lakh of rupees, but Government purchased it at the revenue sale for the nominal sum of Re. 1 only.

On 22nd August, 1933, in reply to my question No. 114, Government stated that for want of bidders at the time of the revenue sale under Act XI, Government had to purchase at a nominal price of Re. 1 only the following *taluks* belonging to Soltan Ahmed Chaudhury and the Poang Raj Estate:—

Taluk No.	Area of land.	Revenue.
	Acres.	Rs. as. p.
(1) 23929	670	1,134 8 0
(2) 34793	560	712 8 0
(3) 193	143	688 12 0

On 1st February, 1934, in reply to question No. 30, Government informed the House that during 1931-33 in all 420 *Noabad jotes* situated within the Kutubdia Khas Mahal Estate were sold by auction and as there were no purchasers for them, Government had to purchase 268 of these *jotes*. In the Cox's Bazar Khas Mahal Estate 1,277 *jotes* were put up to revenue sale and Government purchased 910 out of them. In the Satkania Khas Mahal Estate 398 *Noabad mahals* were similarly put up to sale and Government purchased 305 of them.

On 1st February, 1934, replying to question No. 32, Government stated that in 1933, 568 *Noabad taluks* were sold by auction owing to the lapse of a *kist* and in the absence of any purchasers, Government purchased 141 of them.

In reply to question No. 177, Government informed us that in the year 1932-33, 1,577 *jotes* in all were put up to revenue sale. Of these Government had to purchase 1,101. Out of these 1,101 *jotes* only 128 have been settled again.

On the one hand *mahals* after *mahals* have been put to auction at the time of each *kist* and purchased by Government; on the other, *mahals* thus taken possession of are lying idle for want of fresh settlement. Not only have the whole hierarchy of *zemindars*, *talukdars*, tenure-holders, etc., been impoverished by it, but the Government revenue also has been very seriously affected in consequence.

With the exception of Bengal, Government in every other province of India have moved themselves in the matter. On the 28th February last, a resolution for 50 per cent. reduction in the land revenue was carried by 48 votes to 25 in the Burma Legislative Council. The Burma Government have accordingly reduced the rate of rents. On the 31st January last, the Madras Legislative Council adopted a resolution supporting 25 per cent. cut in the existing rate of rents in respect of *raiyati* holdings. As a result, the Madras Government have reduced the rents. The Bombay Government too have granted temporary remissions of rents in some parts of Gujrat. At Delhi, Government by an order, dated the 8th February, 1934, made special provisions for the remission of revenue and irrigation cess. Out of a total demand of Rs. 1,87,525 for 1933, Rs. 1,41,604 together with Rs. 37,067, being arrears of previous years, have been remitted.

On 22nd August, 1933, replying to question No. 51 put by Mr. Maiti, Government stated that the Bengal Government would gradually reduce the amount of revenue. But unfortunately up till now Government have taken no steps in this direction.

I hope my resolution will be accepted by the House and the Government alike.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I rise to support this motion. I know places from where Government has been getting a lot of revenue, especially from the *khas mahal* area. There

unfortunately all enthusiastic officers enhance the rent believing that thereby they will please their superiors and earn their livelihood. Unfortunately in Chittagong and Jalpaiguri *khas mahals* the rent has been so excessively enhanced that relief has become absolutely necessary. Just close to Jalpaiguri is Cooch Behar. There His Highness the Maharaja of Cooch Behar has thought fit to reduce or remit the rent by 25 per cent. and even 50 per cent. The position of Jalpaiguri, Chittagong and Cooch Behar is analogous. If in Cooch Behar the autocratic ruler thinks it right and proper to remit the revenue by one-fourth and reduce expenditure accordingly, what difficulty is there for our Government to come to the rescue of these poor tenants and do something for giving them relief? I know as a matter of fact in my district Government could not realise more than 30 per cent. of the rent from the tenants without pressure, and I also know that when Government could not realise their dues, they not only issued distress warrants but body warrants against the tenants, some respectable tenants, to bring them to the *cutchery* and realise money from them. Does this not show some real defect in the assessment of revenue or rent there? Over and above that I can tell this House that a new assessment has been made and that assessment has provided an increase of 40 per cent. of the existing revenue. I have explained to the Hon'ble Member the real position and I hope I will get a suitable reply.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I do not wish to speak at length on this motion. The only thing I wish to point out to the House is that this resolution, as it is worded, cannot be supported by this House unless there is a modification. The resolution runs thus: "that the revenue of the revisional survey of the temporarily-settled estates of Chittagong and other districts.....be remitted at least by 25 per cent....." If the revenue of the estates be reduced, that does not touch the *raiyats* at all. What we want to point out is that if the revenues are reduced, we have no quarrel, but what is really wanted is that the rent should be reduced and not the revenue. I suggest that in place of the word "revenue" the word "rent" be substituted. I therefore move with your permission, Sir, that instead of the word "revenue" in this resolution the word "rent" be substituted.

Dr. NARESH CHANDRA SEN GUPTA: I fail to see how that resolution affects Government at all. Government are not concerned with the reduction of rent. So I do not support the motion.

Mr. PRESIDENT: But, under section 76 he can move an amendment at this stage unless anybody objects to it.

Dr. NARESH CHANDRA SEN GUPTA: I object to it.

Mr. PRESIDENT: Then you cannot move your amendment, Khan Bahadur.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I shall take time to deal with this resolution. If you stop at half-past four it will not give me sufficient time.

Mr. PRESIDENT: If you stop at this stage then I shall have to put the resolution.

The Hon'ble Sir BROJENDRA LAL MITTER: Very well, I shall not stop at this stage.

This resolution is not quite intelligible to me. At the end of the resolution it is said that the reduction should continue till the price of paddy and jute again comes to the normal condition. I do not understand what is meant by the phrase "normal condition." Does "normal condition" refer to any particular year or any particular series of years, or what is it? When I know what is intended by the expression "normal condition," that is, for how long the reduction is to be in force, I shall give my answer. Unless that is clear it is impossible for me to deal with that portion of the resolution. The whole resolution is based upon (1) an assumption that the rates imposed at the resettlement are abnormally high, and (2) an assumption that the rates were calculated on the basis of an unusually high market. In my submission both these assumptions are incorrect. As hon'ble members know, when a resettlement is made, the average of previous ten years is taken and the average of ten years prior to the last settlement is also taken. It is by comparison of these two averages that new rate is fixed. Therefore, it is not correct to say that when the resettlement was made, whether it was in 1927, 1928, or 1930, it was on the basis of the market for that year. That is not the fact. The fact is that the averages of two decades were compared and from that comparison a rate was fixed. It may be artificial: Most of human acts are artificial. Our acts are not divinely ordained.

Sir, on the last occasion when a similar resolution was debated in this House, the late Sir P. C. Mitter explained that the increase that had taken place on resettlement worked out at 4 annas in the rupee, although on a comparison of the averages of the last two decades 10 annas in the rupee would have been justified. Ten annas, however, would have been a jump—a high jump—and in order to avoid a sudden big rise, Government fixed upon a rise of 4 annas. Sir, from the opinions——

Adjournment.

It being 4-30 of the clock——

Mr. PRESIDENT: I am sorry we have reached the time for adjournment. The Council stands adjourned till 2 p.m. on Tuesday, the 11th December, 1934.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 11th December, 1934, at 2 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 97 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Land revenue from the Mymensingh district.

*2. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state the total amount of annual land revenue due to Government from all sources in the district of Mymensingh?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): Rs. 9,26,010 (current demand, 1933-34).

Mr. W. H. THOMPSON: Will the Hon'ble Member be pleased to state whether that figure is more or less than 4 annas a *bigha*?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask notice of that question; I am afraid I cannot reply to it offhand.

Standard for mustard oil.

*3. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware of the recent judgment of the High Court in a prosecution case sent up from Gaibandha in regard to mustard oil?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any action is being taken to modify the standard prescribed for mustard oil?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) The matter is under the consideration of Government.

Estates sold for arrears of land revenue.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Member in charge of Land Revenue be pleased to lay on the table a statement showing for the last five years and for each district of Bengal—

(*i*) the number of estates which have been sold for non-payment of—

(1) Government revenue,

(2) road and public works cesses, and

(3) other Government demands;

(*ii*) the number of warrants of arrest issued against defaulters;

(*iii*) the number of arrests; and

(*iv*) the number of those sent to civil jails for non-payment of road and public works cesses or other Government dues?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) (1) A statement is laid on the table.

(*i*) (2) and (3), (*ii*), (*iii*) and (*iv*) The statistics required for an answer to these questions are not readily available, and could not be obtained without a laborious enquiry which Government regret they are not prepared to undertake.

Statement referred to in the reply to starred question No. 4 (1) (1) regarding number of estates and shares sold for arrears of land revenue.

District.	1929-30.		1930-31.		1931-32.		1932-33.			1933-34.		
	Whole estates.	Shares.	Whole estates.	Shares.	Whole estates.	Shares.	Whole estates.	Shares.	Noabad *taluks*, etc.	Whole estates.	Shares.	Noabad *taluks*, etc.
1	2	3	4	5	6	7	8	9	10	11	12	13
Burdwan	29	16	40	22	58	19	42	28	..	77	27	..
Birbhum	4	8	1	5	3	..	4	22	..	16	27	..
Bankura	8	2	1	3	5	9	2	4	..	6	4	..
Midnapore	15	23	18	22	11	48	14	46	11	29	52	3 (*khas mahal* tenures).
Hooghly	43	22	43	16	73	17	48	31	..	66	32	..
Howrah	8	9	7	1	3	5	4	9	..	12	4	..
24-Parganas	23	105	20	99	56	126	31	43	..	55	58	..
Nadia	30	19	29	12	11	23	35	25	..	37	36	..
Murshidabad	12	8	18	13	23	13	19	9	..	30	20	..
Jessore	19	10	27	13	55	18	53	26	..	114	50	..
Khulna	8	1	13	..	7	1	23	5	1	29	12	3
Dacca	29	38	59	55	42	37	52	51	..	110	56	..
Mymensingh	14	23	31	34	35	41	25	35	..	24	32	..

Faridpur	14	8	24	21	33	25	38	24	..	77	32	..
Bakarganj	8	5	6	6	18	14	27	26	50	31	20	205
Chittagong	544	28	427	18	87	19	140	60	722	215	56	913
Tippera	6	4	33	11	69	40	80	36	4	44	38	9
Noakhali	64	5	96	..	1	2	6	4	269	7	8	509
Rajshahi	4	12	1	6	1	6	10	8	..	5	12	..
Dinajpur	1	2	4	6	5	8	9	5	..	6	8	..
Jalpaiguri	2	..	..	..	..	..	..	..	..	..	..	..
Rangpur	..	..	1	6	4	8	7	8	..	2	13	..
Bogra	1	1	8	4	3	3	7	16	..	7	19	..
Pabna	10	9	5	17	11	29	29	40	..	29	42	..
Malda	..	..	1	..	1	3	8	4	..	5	3	..
Darjeeling	..	..	..	..	1	..	..	..	..	..	..	..
Total	896	358	913	390	616	514	713	560	1,057	1,033	661	1,642

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Number of suicides in Bengal.

4. **Maharaja SRIS CHANDRA NANDY, of Kasimbazar:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Government compile any statistics as to the number of suicides in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay a statement on the table showing—

(*i*) the total number of suicides since 1928, and

(*ii*) how many of these are due to (1) unemployment, (2) starvation, and (3) other causes?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Yes.

(*b*) (*i*).

	Districts.	Calcutta.
1928	... 3,372	... 98
1929	... 2,646	... 113
1930	... 3,168	... 82
1931	... 3,786	... 104
1932	... 3,443	... 123
1933	... 3,529	... 109

(*ii*) Government have no information.

Travelling allowances drawn by the Chairmen and Vice-Chairmen of district boards and municipalities.

5. **Rai Bahadur SATISH CHANDRA MUKHERJI:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a detailed statement showing the travelling allowances drawn by the Chairmen and Vice-Chairmen of district boards and municipalities in Bengal, with their names, during the years 1932-33 and 1933-34?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This information cannot be obtained unless special enquiries are made from district boards and municipalities involving, in the opinion of Government, a disproportionate expenditure of time and energy for which they are not prepared to ask.

Empanelling jury.

6. **Rai Bahadur SATYA KINKAR BAHANA:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that in empanelling a jury double number of jurors are summoned to attend the courts; and

(*ii*) that this system involves unnecessary cost for administration and puts the jurors to inconvenience?

(*b*) If the answers to (*a*) are in the affirmative, are the Government reconsidering the situation and of issuing such directions as would prevent unnecessary cost and avoidable inconvenience?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) Yes, in accordance with a statutory requirement.

(*ii*) The expenditure is unavoidable. No complaint of any serious inconvenience has been received by Government.

(*b*) Does not arise.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Workmen's Protection Bill, 1934.

The Hon'ble Sir John Woodhead introduced a Bill to prevent recovery of debts from certain classes of workmen by besetting their place of work.

The Secretary then read the short title of the Bill.

The Hon'ble Sir JOHN WOODHEAD: I move that the said Bill be referred to a Select Committee, consisting of—

(1) Mr. K. C. Ray Chowdhury,

(2) Mr. S. M. Bose,

(3) Babu Haribansa Roy,

(4) Dr. Naresh Chandra Sen Gupta,

(5) Mr. Mukunda Behary Mullick,

(6) Mr. H. S. Suhrawardy,

(7) Maulvi Tamizuddin Khan,

(8) Maulvi Muhammad Saadatullah,

(9) Maulvi Latafat Hussain,

(10) Mr. C. G. Cooper,

(11) Mr. R. L. Walker, and

(12) the mover,

with instruction to submit their report by the 13th December, 1934, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the Bill is a short and simple one and for all practical purposes there is only one section—section 3. The evil with which the Bill deals is one of long standing and one to which the Royal Commission on Labour in India drew attention. They observed: "There are, however, money-lenders who prey upon workers and depend upon the threat of violence rather than of the processes of law. The *lathi* is the only court to which they appeal, and they may be seen waiting outside the factory gate on pay-day ready to pounce on their debtors as they emerge. Our recommendations (as to indebtedness in general) should not be ineffective even in their case, for they are as a rule fairly scrupulous even in using intimidation, and seldom employ it to exact more than the law allows. But stronger measures are justified, particularly as the object of waiting outside the factory is to ensure that their claims form a first charge on wages. We recommend, therefore, that besetting an industrial establishment for the recovery of debts be made a criminal and cognisable offence."

Government consulted all the local commercial associations, the agents of the chief railways, the Calcutta Port Commissioners and also registered trade unions, and the replies received showed that, without a single dissentient, non-official opinion in this province whole-heartedly supported legislation on the lines recommended by the Royal Commission. That, Sir, is the genesis of the Bill. It is a measure aimed solely at professional money-lenders who endeavour either by violence or by threat of violence to ensure that their claims form a first charge on the wages of the workers.

Maulvi ABUL QUASEM: I wish to give my whole-hearted support to the motion. But my complaint is that the Bill does not go far enough. In the Statement of Objects and Reasons it is stated that the Bill is to be applied to industrial establishments. But I do not see why similar provisions should not be applied for the protection of other classes of workmen throughout the province. Sir, clause 3 of the Bill refers only to a mine, dock, wharf or jetty, railway station or yard or premises whereon any manufacturing process is carried on. But I fail to see why this clause should not be applied to the Corporation of Calcutta, for instance, for the benefit of the Corporation *methars* and sweepers and also for the benefit of the same class of menial workers employed by other municipalities. I would draw particular attention of Government and of this Council to this particular class of people who stand in need of help no less than those for whose protection the Bill is designed. Those who know Calcutta know very well that the *lathiwalla* money-lenders gather round the gates of the District Engineers' offices on pay-day in order to extort their money. The same scene is witnessed in the mufassal municipalities and other places. The Bill as it is drafted is an incomplete one. Therefore, I would suggest that in the Select Committee the serious deficiency of the Bill should be taken into consideration and necessary provisions supplied.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I endorse the remarks of the previous speaker. From our experience of the Calcutta Corporation district offices we know that on the day when wages are paid Kabuli money-lenders gather round the gates to realise their so-called dues. Sir, I do not see why a distinction should be made between the industrial houses and such institutions as the district offices of the Calcutta Corporation and why a particular class of employees should be left in the cold shade of neglect from the operation of the Bill. I have also seen such a thing happening in many big houses who employ a large number of menials. I fail to understand why the provisions of the Bill should be confined to industrial and mining and railway areas only.

Rai Bahadur KESHAB CHANDRA BANERJI: I whole-heartedly support the motion of Sir John Woodhead and the other speakers who have followed him. Sir, the previous speakers have referred to *methars* and sweepers employed by the Calcutta Corporation, but I can say from my own experience in the mufassal that the same state of things exists there also. It is unfortunate that no provision has been made in the Bill to protect this class of people from the clutches of the *lathiwalla* money-lenders as my friend has already depicted them. I do not know whether it would be possible for the Select Committee to incorporate a separate clause to this effect. But I would draw the pointed attention of the Hon'ble Member in charge as well as the members of the Select Committee to this aspect of the question.

Mr. P. BANERJI: Sir I am glad that such a Bill has at last been introduced. Better late than never. My hon'ble friend, Khan Bahadur Azizul Haque, will remember, that I made a proposal like this when his Money-lenders' Bill was being discussed, but I was laughed at and everyone said that it was not the thing to do. However, I am glad Government after a year have recognised the necessity of introducing a Bill of this kind.

Sir, only the other day a case was reported from Kidderpore where a *lathiwalla* money-lender raided a house of a workman debtor. That case was considered important enough to be reported in the newspapers. Many of these cases are not reported whatsoever. Now under this Bill these money-lenders will be prevented from loitering at the gates of factories, etc., to demand their money, but what will prevent them from going to the debtor's house and threatening them with violence. It is all very well to accommodate the employers by preventing disturbance at factory gates, etc., but if Government really want that these workmen should be protected, then this protection should also be extended to their houses too. I would draw attention of the hon'ble members and the Members of the Executive Government to this aspect of the question, and to see that these persons are really protected individually even in their own residences.

Raja Bahadur BNUPENDRA NARAYAN SINHA, of Nashipur: I whole-heartedly support the motion. As has been stated by other speakers the Bill should not have been confined to the areas mentioned in clause 3, but it ought to have been extended to all workers and wage-earners. Our past experience is that difficulties like these arise not only in industrial areas but also in connection with municipalities, district boards and courts too. I should like that all these should be included in the operations of the Bill by the Select Committee. The Bill as introduced applies only to Calcutta and its suburbs by clause 1(*2*). I think it should be extended to all the districts from the very beginning. Nor should agricultural labourers be exempted from the rule of the *lathi* that fierce money-lenders from the north-west of India frequently enforce in the realisation of their money lent out at usurious rates of interest.

The Hon'ble Sir John Woodhead's motion was then put and agreed to.

The Bengal, Agra and Assam Civil Courts (Bengal Amendment) Bill, 1934.

The Hon'ble Sir Brojendra Lal Mitter introduced a Bill to amend the Bengal, Agra and Assam Civil Courts Act, 1887.

The Secretary then read the short title of the Bill.

The Bengal Village Self-Government (Amendment) Bill, 1934.

The Hon'ble Sir Bijoy Prasad Singh Roy introduced a Bill further to amend the Bengal Village Self-Government Act, 1919.

The Secretary then read the short title of the Bill.

The Calcutta Improvement (Amendment) Bill, 1934.

The Hon'ble Sir BIJOY PRASAD SINGH Roy: I move for leave to introduce a Bill further to amend the Calcutta Improvement Act, 1911.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Calcutta Municipal (Amendment) Bill, 1934.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I move for leave to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Court-fees (Bengal Amendment) Bill, 1933.

The Hon'ble Sir BROJENDRA LAL MITTER: I move that the Court-fees (Bengal Amendment) Bill, 1933, be referred to a Select Committee consisting of—

(1) Mr. N. G. A. Edgley,
(2) Mr. A. deC. Williams,
(3) Mr. Narendra Kumar Basu,
(4) Babu Mohini Nath Basu,
(5) Babu Jatindra Nath Basu,
(6) Rai Sahib Akshoy Kumar Sen,
(7) Babu Hem Chandra Roy Choudhuri,
(8) Babu Khetter Mohan Ray,
(9) Babu Lalit Kumar Bal,
(10) Khan Bahadur Muhammad Abdul Momin,
(11) Maulvi Tamizuddin Khan,
(12) Maulvi Abul Quasem,
(13) Mr. A. R. E. Lockhart,
(14) Mr. H. S. Suhrawardy, and
(15) the mover,

with instruction to submit their report before the end of January, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be six.

Mr. SARAT KUMAR ROY: Sir, with your permission I beg to move a short notice amendment to the effect that the name of the Maharaja of Kasimbazar be included in the Select Committee.

Mr. PRESIDENT: Have you received his consent?

Mr. SARAT KUMAR ROY: I asked him and he has consented to it.

Mr. PRESIDENT: He has? Then it is all right.

Babu KISHORI MOHAN CHAUDHURI: My objection to the reference of the Bill to a Select Committee is this: When the Court-fees Act and two other Acts—Stamp Act and Amusement Act—were being introduced in 1922 we were assured—if I remember aright—by the Government of Lord Ronaldshay that as soon as jute tax would be available the proceeds of these taxes would be entirely devoted to the nation-building departments. Sir, that assurance has ended in smoke and the nation-building departments have all along been shoved into the cold shade of neglect. Sir, Acts after Acts are being placed on the statute book and the income that is being derived out of these Acts are being swallowed up by various departments of Government other than the nation-building departments. The jute tax is now assured, but still the nation-building departments are being starved! Sir, the British administration of justice is still an asset to the people of India, and that should on no account be undermined in any way. Sir, my contention is that assurance should now be given to us that the proceeds of this tax should be devoted to the development of the nation-building department. Sir, compulsory primary education is not being introduced for want of money, and if this money be set apart there would be no difficulty. In other spheres of nation-building—Education, Agriculture, Public Health, the industrial development of the country—nothing is being done. We must insist on something being done, and I appeal to the House that this is the time when we should remind Government of its solemn promise. Government should not be allowed to raise revenues and utilize a great deal of it for the ordinary purposes of administration.

We know, Sir, that there is a deficit of nearly two crores of rupees. We are now getting some help from the Government of India by way of loans. As soon as the jute duty is allotted to Bengal, this state of things will vanish. And if we are to maintain this costly Government, which we have been maintaining since the introduction of the Reforms of 1919, it would be impossible for us to do anything for the nation-building departments. Sir, I oppose the motion for these reasons.

Mr. NARENDRA KUMAR BASU: Sir, I rise to oppose the motion moved by the Hon'ble Sir Brojendra Lal Mitter. Sir, it has been stated

in the Statement of Objects and Reasons of this Bill that its primary object is to provide a suitable machinery for preventing the evasion of the existing law relating to court-fees. Sir, language has been given to civilized man to hide his thoughts. This Bill—I mean the Statement of Objects and Reasons—very effectively conceals the idea which is prominent in the Bill throughout that court-fees are to be enhanced, and enhanced most outrageously, if I may say so. Sir, it is stated in one of the provisions of the Bill that in partition cases the plaintiff must pay court-fees according to the valuation of his share, must pay *ad valorem* court-fees on half such valuation. Sir, it has been disguised from the non-lawyer members of this House that, after the partition decree is passed by the court, the parties have got to pay fees *ad valorem* on the valuation of the property, and to add to that burden, the burden sought to be imposed by this Bill, is, I submit, absolutely without any justification.

Sir, the genesis of the Bill seems to be the idea that a plaintiff should not be entitled as he now is to put his own valuation on a plaint where the relief sought is not capable of precise or satisfactory vaulation. A move to have that salutary provision of the law set aside by judicial decisions was put down by the Calcutta High Court. That seems to be the genesis of the Bill, Sir; and advantage has been taken of the evasion of the fiscal laws in one or two instances, to reduce litigation very effectively. I say, advisedly, that the effect of this Bill will be to reduce civil litigation in the country, and Government would be killing the goose that lays the golden eggs.

Sir, according to the last Administration Report, the profit to Government from civil litigation amounted to Rs. 1,06,07,820. Sir, the sale of justice is something which is hateful. It is not known in either Hindu or Muslim Jurisprudence. Our rulers profess to mete out justice in this country and say that their rule is broad-based on a sense of British justice; but they forget that they do not deal it out to the people for nothing. They make a profit of more than a crore of rupees from civil litigation. And if this Bill were allowed to go through, that profit would dwindle, and, therefore, in their own interests, Government ought to see that litigation is not made more costly to the people. Of the 50 odd opinions that have been elicited from Government officials over this Bill, I am speaking of District Judges and others, of the Judges who have given their opinion some oppose the provisions of this Bill. Others, who have supported it, go on to say that this is hardly the time to introduce legislation of this description. The District Judges in the province were not called upon to give an opinion on the policy of the Bill, but still some of them have gone out of their way to say that this is hardly the time to introduce legislation of this character.

As the previous speaker has already pointed out, when the court-fees in Bengal were increased in 1922, it was expressly stated by the highest

authority in the land, that the money realized from the enhanced fees, *i.e.*, from the sale of civil justice, would be spent for the uplift of the people, and that as soon as there was a chance of the jute tax being restored to Bengal, that enhancement would be withdrawn. What do we find now? We find now that at a time when some portion of the jute tax, at least, has been promised to Bengal, Government choose to introduce a Bill of this description. Why? Where is the necessity for such a measure? It may be said that they have taken the powers to apply portions of the Bill to particular territories at particular times. Why? We are told every day that the New Constitution is within sight. If the New Constitution is within sight, the right of taxing the people—the right of grinding the people under these taxes more and more—ought to be left to the representatives of the people. Why should this bureaucratic Government—they do not deny their bureaucratic character—at the fag end of their career introduce this kind of legislation at this time, viz., 1934.

Sir, it has been said that there are dishonest plaintiffs who evade the provisions of the law regarding the payment of court-fees. If there be such—I do not know whether there are many such—well, the resources of the Government ought to be ample and sufficient for the purpose of preventing these evasions. But does the Hon'ble Member realize what he is doing by this piece of legislation? He is trying, if I may say so without meaning any disrespect to the Hon'ble Member, to create dishonest litigants. As has been pointed out in one of these opinions that I have referred to, what is there to prevent the poor shareholder in a joint estate, who is being oppressed by rich co-sharers—supposing he is only a one-anna shareholder in the joint property—from transferring one *kak* or *til* to some nominal shareholder and get him to institute the suit. Your *ad valorem* fee on half the value of the share of the particular shareholder will not bring in any large income to Government. What you will do is to prevent the honest litigant who feels that he cannot live in amity or in concord with his co-sharers, from going into court. (A VOICE: Hear, hear!) Sir, that is what the effect of the Bill would be. I submit there is no reason why the Government should have doubled—why doubled, it is several times—the court-fees in partition suits. As I have already said, Sir, in partition suits after the decree, the whole of the amount is paid in non-judicial stamps. I do not know, but probably, because it is non-judicial, the revenues accruing from which belong to the Government of India and not to the Government of Bengal, that this piece of legislation has been brought forward. Why not amend the law and say that the final decree should be stamped not in non-judicial stamps but in court-fees? If such an amendment were made, it would settle the question.

Sir, then there are certain other provisions in the law which tend to make litigation absolutely a matter of extreme delay. After all what

the Civil Justice Committee have said and done, after all the clamour of the country over the delay in civil litigation, the Government want to provide in this Bill that in each particular case there should, practically, be an inquiry as to the market value of the property in suit—a costly inquiry either by the Collector or some other officers, known as stamp reporters in the civil court. We have heard too much of the venality of the ministerial officers employed in the civil courts in Bengal, which is very much to be regretted. Is it, therefore, proposed that a new class of ministerial officers be created called the stamp reporters to sit in *terrorem* over litigants and to extort from them as much money as possible. This will, probably, be the only result of this provision. The one result will be that more money than now will go into their pockets. The other result will be to hold up litigation as long as possible.

We have been told that tardy decisions in a court of law amount almost to a denial of justice. That is what the Hon'ble Member is proposing to do by this Bill. He wants to make the price of his justice as high as possible—even higher than what the litigant public can probably stand—and then to make it as tardy and dilatory as possible.

Sir, I submit that the provisions of the Bill are wrong, and that the Bill should be thrown out by the Council.

Sir, I oppose the motion.

The Hon'ble Sir BROJENDRA LAL MITTER: The principle of the Bill is clearly stated in the Statement of Objects and Reasons. My learned friend Mr. Narendra Kumar Basu with his usual vehemence doubted the statement that there was evasion. At one stage of his speech he said there might be evasion in a case or two——

Mr. NARENDRA KUMAR BASU: But there are not many.

The Hon'ble Sir BROJENDRA LAL MITTER: He brushes aside very lightly this particular aspect of the case, and therefore, Sir, it is necessary for me to acquaint the House with the amount of evasion that is going on. Government gave instructions to the District Judges to take some cases at random, not to take any particular case, but to take cases at random for any particular year and refer the valuation put on the suits to Collectors to find out what relation the litigant's valution bore to the real value. Sir, I have got the figures for one year, 1931. The cases are here district by district. I shall give you a few instances. If any hon'ble member wants to know the number of the suit or any other particulars for the purpose of identification, I have got them, but I will not trouble the House with these at this stage.

Sir, in the district of Jessore, ten cases were taken at random, and I shall place before the House only two cases. In all the ten, the parties undervalued the suit, but I shall take only two instances. In one case, it was valued at Rs. 1,200 and the valuation on the report of the Collector was Rs. 2,400. In another case the valuation was Rs. 4,500 by the party, but the Collector's valuation was Rs. 12,500.

In the district of Pabna, the party's valuation was Rs. 600, but the Collector's valuation was Rs. 2,020. In another case the party's valuation was Rs. 800, the Collector's valuation was Rs. 3,100. In a third case in the same district, the party's valuation was Rs. 275, but the Collector's valuation was Rs. 1,418.

In the district of Bogra in a case where the parties valued a suit at Rs. 1,500, the Collector's valuation was Rs. 2,350. In Nadia, the party's valuation in a suit was Rs. 2,000, but the Collector's valuation was Rs. 6,000.

In the district of Noakhali, the party's valuation in a suit was Rs. 800, but the Collector's valuation was Rs. 2,400. In another case, the party's valuation was Rs. 100, but the Collector's valuation was Rs. 3,347. In another case in the same district, the party's valuation was Rs. 300, but the Collector's valuation was Rs. 2,380.

In the district of Khulna, I shall give you three cases: Rs. 2,100 was the party's valuation, but the Collector's report was Rs. 4,990. In the second case, the party's valuation was Rs. 1,040, the Collector's valuation was Rs. 3,710. In another case in the same district the party's valuation was Rs. 240, the Collector's valuation was Rs. 1,334.

In the district of Tippera, I shall give you three cases: In one, the party's valuation was Rs. 3,100, but the Collector's valuation was Rs. 4,500. In the second case, the party's valuation was Rs. 2,100, but the Collector's valuation was Rs. 9,500. In the third case, the party's valuation was Rs. 250, the Collector's valuation was Rs. 2,000.

In the district of Howrah, I find in one case, the party valued the suit at Rs. 2,050, the Collector's valuation was Rs. 6,000.

In the district of Mymensingh there are numerous cases, but I am giving only some typical ones. The party's valuation in one suit was Rs. 250, but the Collector's valuation was Rs. 1,257.

In Chittagong, the party's valuation was Rs. 3,000, the Collector's Rs. 9,750. In another case, the party's valuation was Rs. 750, the Collector's Rs. 2,400——

Mr. NARENDRA KUMAR BASU: May I ask the Hon'ble Member whether these valuations of the Collectors were made after open inquiry?

The Hon'ble Sir BROJENDRA LAL MITTER: The Collector made the usual inquiry. When a reference is made to the Collector, there is a recognised procedure which is followed, and it is in accordance with such procedure that these figures were arrived at.

In Bankura, the party valued a suit at Rs. 3,500, but the Collector's valuation was Rs. 47,201. In another case the party's valuation was Rs. 30,000, but the Collector's valuation was Rs. 29,620. In a case in which the party valued his suit at Rs. 95, the Collector's valuation was Rs. 1,000.

In Faridpur, the party's valuation was Rs. 200, but the Collector's valuation was Rs. 1,200.

In Birbhum, the party's valuation was Rs. 2,000, but the Collector valued it at Rs. 8,244. In Burdwan, the party's valuation was Rs. 900, the Collector's valuation was Rs. 4,392. In another case the party's valuation was Rs. 1,800, the Collector's valuation Rs. 3,276.

In the 24-Parganas, the party's valuation was Rs. 2,100, the Collector's Rs. 6,200. In a second case, the party's valuation was Rs. 150, the Collector's valuation Rs. 4,360.

In Dinajpur, the party's valuation was Rs. 1,605, the Collector's Rs. 12,195. And here is a very good case from Dacca. The party's valuation was Rs. 2,025, and the Collector's valuation Rs. 1,36,514. In another case, the party's valuation was Rs. 1,920, the Collector valued it at Rs. 13,491. In the district of Murshidabad, the party's valuation went into meticulous annas—it was Rs. 2,064-11—I wonder that he did not go into pies. The Collector's valuation was Rs. 41,456. In another case, Rs. 2,029 was the party's valuation, the Collector's valuation was Rs. 10,666.

In Midnapore, the party's valuation was Rs. 1,100, the Collector's Rs. 3,774. In a second case, the party's valuation was Rs. 1,600, the Collector's valuation was Rs. 3,440.

Sir, I have got numerous instances, but I have given sufficient to the House to show that the evasion is neither imaginary nor slight. The evasion is real and it is considerable.

Babu KISHORI MOHAN CHAUDHURI: Were these probate cases?

The Hon'ble Sir BROJENDRA LAL MITTER: These were all cases before Munsifs and Subordinate Judges. Ordinarily, probate cases would not come before Munsifs and Subordinate Judges.

Mr. NARENDRA KUMAR BASU: How were they referred to the Collector?

The Hon'ble Sir BROJENDRA LAL MITTER: Suit number so and so, in the Second Munsif's Court, Sadar, and so on. In every case, the number is given, not one of them is a probate case.

Mr. NARENDRA KUMAR BASU: Under what law were these cases referred to the Collector?

The Hon'ble Sir BROJENDRA LAL MITTER: It is not under any specific statutory provision, but when Government came to know that evasion was being practised on a large scale, it made departmental inquiries and in course of these departmental inquiries District Judges were asked to select a number of cases at random, and test the valuation, and this is the result of the test.

Mr. NARENDRA KUMAR BASU: Oh, only departmental inquiries?

The Hon'ble Sir BROJENDRA LAL MITTER: Unless all the Sessions Judges and the Collectors were in a conspiracy to cheat the litigants, we are entitled to regard these figures as substantially correct. The figures which I have just now placed before the House, if they show anything, they show extensive evasion, and the primary object of this Bill is to prevent such evasion.

Now, Sir, if evasion is prevalent, I do not think there will be anyone in this House who will not agree with Government that steps should be taken to prevent such evasion. After all, the law entitles the State to charge certain fees, litigants who want the services of the State Judges have to pay those fees. If they, either innocently or fraudulently, fail to pay these, it is not only the right, but the duty of the State to exact the statutory fees from those litigants. And it is precisely for that purpose, and primarily for that purpose, that this Bill has been introduced.

In this Bill, as I say, the primary object is to stop leakages, to prevent evasion and for that purpose the existing machinery is not adequate, and therefore in the Bill a machinery has been devised. If any member in the Select Committee can improve upon that machinery, Government will be only too ready to accept such improvement. Sir, if there be evasion, it stands to reason that some machinery must be devised to prevent it. So far as Government are concerned, in their limited wisdom they have suggested one. If my friend Mr. Narendra Kumar Basu, whom I shall be very glad to meet in Select Committee, can suggest a better machinery, I shall be only too glad to accept his suggestion.

Sir, another object of this Bill is to remove certain anomalies which the operation of the Court-fees Act during the last 64 years has revealed.

Hon'ble members will remember that the Court-fees Act which we are seeking to amend was passed 64 years ago. In these days of rapid changes, my own view is that, laws ought to be revised at the latest every ten years. Instead of that, we have waited for 64 years, and one can easily imagine what amount of preventible waste has taken place. In our present financial plight, we cannot stand it any longer. We must husband our resources, and, therefore, if we can prevent waste, it is our duty to do so. So the first object, Sir, is the stoppage of leakage, the second is the removal of anomalies. Now, the nature of the anomalies has been very well described by the Indian Taxation Inquiry Committee of 1924-25. In one passage, paragraph 340 of the report, they say this. May I read a portion of this report? It runs as follows:—

"Again, in respect of suits for the possession of immovable property, the Act lays down different criteria for different kinds of property. A permanently-settled estate, or a definite share of it separately assessed and entered in the Collector's register, is to be valued at ten times the annual revenue; a temporarily-settled estate, or a definite share of it separately recorded as paying revenue to the Government, at five times the annual revenue; a revenue-free property at fifteen times the net profits of the preceding year and where no such net profits have arisen, with reference to the value of similar land in the neighbourhood; part of a revenue-paying estate not separately assessed, at the market value of the land; houses and gardens also at the market value." That is the existing law. Then they go on: "These arbitrary provisions again result in the *reductio ad absurdum* that a suit for a part of a field may pay a higher court-fee and require to be tried by a court of higher jurisdiction than a suit for the whole. In addition, the varying ratios of value of land to assessment make the fees arbitrary and uneven, while suits for land, though they are generally more hotly contested than suits for money or movables, pay lower court-fees than the latter do. Moreover, the method is inconsistent with the method adopted for the valuation of land in the case of appeals to the Privy Council." It is this sort of anomaly that we are seeking to remove by this Bill.

Sir, as regards the method of valuation take, for instance, a permanently-settled estate. An estate which consisted of very fertile land 150 years ago may have lost its fertility to-day; and its value must have gone down. Again, land which was waste 150 years ago may be producing gold to-day. When the value of land is thus changing we have still got, under the existing law, a rigid system by which we are to value it at so many times the Government revenue, which is unfair to some very profitable to others. It is to remove this sort of anomaly, that we have suggested, in accordance with the recommendations of the Taxation Inquiry Committee, that the best method,

the most scientific and the most equitable method is the market value. The market is fluctuating and when a man goes to court, let him pay court-fees on the basis of the market value of his property and not on the basis of its value 150 years ago. That is the third purpose of this Bill.

The last is that rates have been revised. I am in full agreement with my friend Mr. Narendra Kumar Basu that in case of partition of immovable property the proposals in the Bill would amount to double taxation, that is, you once pay court-fee on institution and at the end of the suit you pay again stamp duty on the decree. That is the only instance where I have been able to discover double taxation, and I am quite prepared to meet my friend Mr. Basu and abandon our proposal and to conform to the existing practice by which fee is paid only once, that is, on the decree.

Sir, I have stated the objects of the Bill. They are first, prevention of evasion, secondly, removal of anomalies, thirdly, revision of the method of valuation and, lastly, the incidence of the fee. With regard to the incidence of fee, that is a matter of detail and it is really a Select Committee point. I have suggested 15 names for the Select Committee and another name has been suggested here, and I am quite prepared to accept it. If we 16 people honestly sit round a table we should be able to come to an agreement. That is, so far as the details of incidence of court-fee are concerned: there should be no difficulty, for that is not a matter of principle. I am not asking the House to commit itself to the rates which we have suggested in our Bill; that is not a matter of principle, it is a matter of detail. That is a proper matter for discussion and coming to an agreed conclusion, and a Select Committee is the best place for that. The real principle of the Bill is whether a machinery should be devised for the purpose of stopping evasions.

I submit that there is nobody here who will contest the desirability of taking some steps to stop leakage, and in the opinions which have been collected there is not a single opinion which challenges that principle. Most of the opposition is directed towards the incidence of the taxation and not against the principle of stopping evasions. Sir, all I am asking now is this: that the House do accept the principle that if evasion is established steps should be taken to stop it: that is the principle which I ask the House to accept, and I am sure the House will have no hesitation in accepting it.

The second principle which I ask the House to accept at this stage is that, if there be anomalies in the matter of valuation such as the one I have quoted, that is, where a part is valued at a higher figure than the whole, if such anomalies exist, and they do exist—as the Taxation Inquiry Committee has found—then I am sure the House

will agree with me that the time has come when we should remove such anomalies and bring in a system which will act uniformly and equitably.

With regard to the method of valuation our position is this: that the method under the existing law is unscientific and inequitable, and operates harshly against some and unduly favourably towards others. Our suggestion is that the scientific method of valuation, the equitable method of valuation would be the market value and not so many times the Government revenue. As regards how much of the market value should be taken as valuation for the purpose of a suit, that is a matter, again, which can well be discussed in Select Committee. It may very well be that some members will suggest that "let us take the market value and make an allowance and then come to a figure which will be the basis for court-fees." Many hon'ble members are aware that valuation for the purpose of jurisdiction is not always the same as valuation for the purpose of court-fees. Therefore, we should be quite justified in adopting some principle of valuation for the purpose of court-fees as there are certain principles which form the basis of valuation for the purpose of jurisdiction. We may in the Select Committee come to an agreement as to the proportion of the market value which may be taken as valuation for the purpose of court-fees. If these principles, which I submit are unexceptionable, are accepted, I do not see why the Bill should not be sent by this Council to a Select Committee to hammer out details and mitigate the rigours of which Babu Kishori Mohan Chaudhuri and Mr. Narendra Kumar Basu spoke.

Sir, it has been suggested that at this time of economic distress it is not proper to do anything which may have the effect of increasing taxation. I fully sympathise with that point of view. In that connection a reference has been made to the jute tax. I was not prepared to advert to the jute tax at first, but since reference has been made by at least two speakers, I must refer to it. It has been taken as if we have got half of the jute tax as a free gift from the Government of India and, in consequence, Bengal's coffers are overflowing and therefore nothing should be done to husband our resources. Sir, the jute tax was offered to us conditionally and the conditions are very rigorous. I shall read to you a few sentences from the speech of Sir George Schuster when he was asking the Assembly to give Bengal half of the jute tax. The Council will bear with me if I have to read several passages, and I hope they will not grow impatient. On the 27th of February this year he said this:—

"If we are prepared to take account of this, and ask the Central Legislature to support us in raising funds to help Bengal, we can also fairly claim to be satisfied that the Bengal Government and Legislature are doing all that is possible to help themselves."

He said again:—

"It is fair that we should satisfy ourselves that the Government of Bengal is taking every possible measure on its own account to restore financial equilibrium."

Later on, he said this, while describing the position of Bengal:—

"We felt that in any case the position as it was could not be allowed to continue: and as we had been convinced that they were unable to restore their own position, in present conditions we felt that the time had come when we must put forward some proposal which would enable us to bring it within the bounds of possibility that they could help themselves to fill up the remainder of the gap."

And he went on harping on this remainder of the gap because he pointed out that even with half of the jute tax we would not be able to balance our budget. He went on saying:—

"We are giving Bengal half of the jute tax provided Bengal on her own account and on her own initiative fill this gap."

He also said this:—

"We felt that demoralisation must stop and that we must leave them some power of achieving equilibrium and therefore some hope with which to undertake the measures which will be necessary to fill up the gap which I would remind my hon'ble friends is a comparatively large gap even after they get their half-share of the jute export duty if the House approves of the measure necessary for that purpose."

Here is an important passage:—

"Anyhow, the practical effect is—and again I want to emphasise this—we intend to see that Bengal shall in effect get in one form or another the full help even for this year that the Assembly intended, while as regards the future, the principle of the transfer is accepted and that is the main thing which really matters to Bengal. I must add one more statement which I have made many times already, and that is that the whole of this proposal has been put forward on a very definite condition, namely, that the Government of Bengal must satisfy us that they are doing everything possible on their side to restore equilibrium. I must, not only in justice to the other provinces but also in order that our action may not be misunderstood, make this clear beyond all question, because the essential justification for our proposal has been that there was a special need in the case of Bengal and that, without this help, it was beyond their power to restore their own position. We shall take this matter up with the Government of Bengal as soon as this session is over."

It is upon that definite condition that the jute tax has been given to us. Even with the jute tax we cannot balance our budget—there is a

gap. We must try to fulfil the condition to the best of our ability. If as a result of this measure—if this is passed in this House—some additional revenue comes to the Government I hope hon'ble members will not grudge it, because after all in securing that additional revenue we are merely trying to fulfil one of the conditions on which we are getting the jute tax. I submit that the principle involved in this Bill is unexceptionable; it has not been challenged by anybody. It means some additional taxation, but what that additional taxation should be can very well be discussed in the Select Committee. This Council ought to help the Government in getting that money, because unless we do our best we stand to lose the jute tax.

Mr. Sarat Kumar Roy's motion that the name of Maharaja Sris Chandra Nandy, of Kasimbazar, be added after the name of Mr. H. S. Suhrawardy in the list of Select Committee members was then put and agreed to.

The original motion for the reference to the Select Committee as amended by the inclusion of the name of Maharaja Sris Chandra Nandy, of Kasimbazar, was then put and a division taken with the following result:—

AYES.

Aizal, Nawabzada Khwaja Mahammad, Khan Bahadur.
Armstrong, Mr. W. L.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Babu Prambari.
Barma, Rai Sahib Panchanan.
Basir Uddin, Khan Sahib Maulvi Mahammed.
Bose, Babu Mohini Nath.
Benjamin, Mr. H. D.
Beathall, Sir Edward, Kt.
Birkmyre, Mr. H.
Blandy, Mr. E. R.
Bose, Mr. S. M.
Bottomley Mr. J. M.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Mr. G. S.
Edgley, Mr. R. G. A.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Ferguson, Mr. R. H.
Ghose, Rai Bahadur Sasanka Comar.
Gilchrist, Mr. R. R.
Gladding, Mr. D.
Gupta, Mr. J. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Mohammed.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Hashem Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin
Lockhart, Mr. A. R. E.
Martin, Mr. O. M.
Miller, Mr. C. C.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Nag, Reverend B. A.
Nag, Babu Suk Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Nahoom, Mr. A.
Rahman, Mr. A. F.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Mr. R. R.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Rai Bahadur Satya Kinkar.
Sarkar, Rai Bahadur Rohini Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Sinha, Raja Bahadur Bhupendra Narayan, of Rashipur.
Steven, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Townend, Mr. H P. V.
Wilkinson, Mr. H. R.
Williams, Mr. A. deS.
Woodhead, the Hon'ble Sir John.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Banerji, Mr. P.
Bose, Mr. Narendra Kumar.
Chaudhuri, Babu Kisheri Mohan.
Chowdhury, Maulvi Nurul Abser.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary
Poddar, Seth Hanuman Prasat.
Qasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.
Ray, Mr. Shanti Shekhareswar.
Roy, Babu Nagendra Nath.
Sadullah, Maulvi Muhammad.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.

The Ayes being 69 and the Noes 21, the motion was agreed to.

The Bengal Muhammadan Marriages and Divorces Registration (Amendment) Bill, 1934.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I beg to present the report of the Select Committee on the Bengal Muhammadan Marriages and Divorces Registration (Amendment) Bill, 1934.

Sir, I also beg to move that the said Bill, as reported by the Select Committee, be taken into consideration.

There has been very little change. The Bill was originally introduced in January, 1934, and after that it went to the Select Committee. It will be seen that the Select Committee have made several safeguards in the exercise of the powers by Muhammadan women when they come before the Marriage Registrar. In addition to this there has been a change with reference to some of the minor provisions in clauses 1 and 3 which are purely consequential. Mr. H. S. Suhrawardy, it will also be seen, appended a note of dissent to the report. Government considered this matter and were of opinion that at least in one matter, namely, where the document was presented by a woman before the Registrar, either the original or a certified copy thereof would be sufficient for acceptance. As regards clause 5(*b*) (3), it was considered to be wholly necessary; and as probably will be seen, the main language of the Bill was changed by the Select Committee, and the Government accepted the Select Committee's recommendation.

I beg to move that the Bill, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

Clause 1.

The motion that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

The motion that clause 2 stand part of the Bill was put and agreed to.

Clause 3.

The motion that clause 3 stand part of the Bill was put and agreed to.

Clause 4.

The motion that clause 4 stand part of the Bill was put and agreed to.

Clause 4A.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I beg to move that in clause 4A in proposed section 9A (*a*) (*i*), in lines 4 and 5, after the words "registration of documents" the words "or of a certified copy of such document" be inserted.

Sir, this is purely a formal amendment; in other words the language, as it stands, is "except on the production of a document registered under the Indian Registration Act, 1908, or under any other law for the time being in force for the registration of documents, or a certified copy of the order....." Here it is proposed that the original document or a certified copy may be produced. With your permission, Sir, I beg to move this formal amendment.

The motion was put and agreed to.

The motion that clause 4A, as amended in Council, stand part of the Bill was put and agreed to.

Clause 5.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I beg to move that clause 5 (*b*) (*3*) be omitted.

This clause seems to be wholly unnecessary and this was pointed out by Mr. H. S. Suhrawardy. In fact, a woman will come herself or will produce some document; and in that view of the matter, I think the clause is unnecessary and I move that it be omitted.

The motion was then put and agreed to.

The motion that clause 5, as amended in Council, stand part of the Bill was put and agreed to.

Clause 5A.

The motion that clause 5A stand part of the Bill was put and agreed to.

Clause 6.

The motion that clause 6 stand part of the Bill was put and agreed to.

Preamble.

The motion that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Alluvial Lands (Amendment) Bill, 1934.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to move——

Mr. MUKUNDA BEHARY MULLICK: Sir, on a point of order, I submit that we have not been supplied with copies of the amendments relating to this motion.

Mr. PRESIDENT: Is it really so?

Mr. NARENDRA KUMAR BASU: Yes, Sir, we have not received copies of the amendments.

Mr. PRESIDENT: I understand from Secretary that copies of the amendments were sent to all members on the 10th instant.

Mr. NARENDRA KUMAR BASU: As a matter of fact, copies may have been posted, but we have not received them.

Maulvi ABUL QUASEM: Sir, I also have not received any copies.

Mr. PRESIDENT: I did not know that members have not received copies of the amendments. I was told that copies of the amendments were sent on the 10th.

Mr. NARENDRA KUMAR BASU: Sir, it may be that they were posted on the 10th, but the Imperial Post Office is not under the Provincial Government——

Mr. PRESIDENT: Under these circumstances I do not think that Sir Brojendra will ask me to take this matter up to-day.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I think it may be taken up later.

Mr. SHANTI SHEKHARESWAR RAY: Sir, is it at all necessary that copies of amendments should be sent to members?

Mr. PRESIDENT: I want the debate to be fair and reasonable. I think it is in the interests of all that copies of the amendments should be in the hands of members.

Mr. SHANTI SHEKHARESWAR RAY: Sir, may I point out that the rule says that the Secretary shall, if time permits——

Mr. PRESIDENT: Order, order. I feel very strongly on the point. If the debate is to be fair and reasonable, as it should be, it is absolutely necessary that members should know what the amendments are. So, I am not going to take up the amendments to-day. The motion which Sir Brojendra rose to move, however, was before you and there can be no difficulty in disposing of the same.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to move that proposed sub-section (5) of clause 2(4), clause 2 and all subsequent clauses up to the end of the Bengal Alluvial Lands (Amendment) Bill, 1934, which was duly introduced on the 9th January, 1934, and taken into consideration by the Council on the 10th March, 1934, in the form as recommended by the Select Committee appointed on the 9th January, 1934, and clause 1 of which was accepted and sub-clause (1), (2) and (3) of clause 2 and proposed sub-section (4) in sub-clause (4) of clause 2 of which were duly settled on the 10th March, 1934, when the Bill was permitted to be suspended, to be proceeded with later on from the stage where it was left off, be proceeded with and settled in Council.

The motion of Sir Brojendra Lal Mitter was then put and agreed to.

Mr. PRESIDENT: We shall take up the amendments later on.

Presentation of the Report of the Bengal Legislative Committee on Public Accounts for the year 1932-33.

The Hon'ble Sir JOHN WOODHEAD: Sir, I beg to present the Report of the Bengal Legislative Committee on Public Accounts for the year 1932-33.

DEMAND FOR GRANTS.

9A—Scheduled Taxes.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 104 be granted under the head "9A—Scheduled Taxes" to cover the anticipated excess over the voted grant under that head during the current financial year.

Sir, this has been explained in the Memorandum, and I think I need not add anything thereto.

The motion was put and agreed to.

34—Agriculture.

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: Sir, on the recommendation of His Excellency the Governor I beg to move that a token sum of Re. 1 under the major head "34—Agriculture" be granted for expenditure on propaganda for the restriction of jute cultivation.

The reasons for this demand have been explained in the printed memorandum which has already been circulated to hon'ble members. As the House is aware we have been carrying on propaganda since the onset of the present economic depression to induce the cultivators to restrict the area under jute in order to bring about an increase in the price of raw jute. Our attempts in that direction met with such results as to encourage us to hope for success in the improved and extended propaganda which we have undertaken for the voluntary restriction of the jute crop next year. This has been done in accordance with the almost unanimous recommendation of the Jute Enquiry Committee which advocated voluntary restriction as distinguished from compulsory restriction by legislation. And this House also declared itself opposed to the principle of compulsory restriction some time ago. Government have accordingly decided to carry on propaganda for voluntary restriction of the jute crop for 1935. The plan on which this propaganda will be carried on this year has been indicated in the printed

Memorandum, and it will be realised that it is much better organized and on a more intensified basis. The propaganda will be carried on by both official and non-official agencies, while another feature of this propaganda will be that cultivators will be asked to restrict their sowing by a definite proportion which will be indicated next month.

Then, Sir, the sum of Rs. 60,000 which is the present estimate represents the additional expenditure involved under the scheme and not all the expenditure that will be incurred by Government in this connection. For instance, the pay of the various officers of Government who will devote a considerable part of their time and labour to the work will not be debited to the scheme, but the estimate includes only additional cost of touring in the districts, for the out-of-pocket expenses of non-officials and their travelling allowances and the cost of the Special Officer and such like items.

Mr. NARENDRA KUMAR BASU: May I ask the Hon'ble Minister if he expects to have the whole of the expenditure from within the sanctioned existing budget of the department?

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: All about the money for this scheme has been explained in the Memorandum.

Mr. NARENDRA KUMAR BASU: In that case, Sir, I must bring to your notice that in accordance with the views of the Auditor-General and of the Public Accounts Committee which have been accepted, this token demand is not in order.

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: What I want is the approval of the House to the expenditure on propaganda for the restriction of jute cultivation.

Mr. PRESIDENT: The question is whether this amount is going to be reappropriated from the allotment provided for in the departmental budget.

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: I think it is a new expenditure.

The Hon'ble Sir JOHN WOODHEAD: Sir, I am speaking from memory, but I think it is hoped to meet the money by reappropriation from within the departmental budget.

Mr. SHANTI SHEKHARESWAR RAY: Sir, the Hon'ble Member in charge of Finance says one thing and the Hon'ble Minister in charge something different. If it is a token cut, it is not in order.

Mr. PRESIDENT: The Hon'ble Finance Member has cleared the point and I feel justified in over-ruling the objection.

Mr. SHANTI SHEKHAREESWAR RAY: This is a very important matter, and I think we should not be justified in casting a silent vote on the subject. Sir, I do not exactly understand what is the intention of Government in bringing forward this motion. Government have always been very vague and they have come forward with a token demand. If it is the intention of Government to get our sanction to the expenditure, there is not much to say. But, Sir, if it is the intention of Government to get this House committed to a particular line of policy, I think the matter should receive further consideration. I would like to point out that the attitude of Government in this matter has been rather inexplicable. They do not seem to know their mind. They seem to think that they are going to solve a great problem by means of propaganda, spending a few thousand rupees on it. I would like to point out that that would not meet the situation. If Government is serious, they should boldly grapple with the problem. As it is, by their present attitude, Government are not helping the *raiyats*, but they are helping the speculators and gamblers in the *Fatka* market. I would like to raise my voice of protest against such an attitude on the part of Government. Sir, what I intend to do is to place the views of the public in this matter. They are not satisfied with this tinkering policy of Government. If Government think that the policy of restriction will do good to the country, they should come forward with a distinct declaration of their policy, and they should adopt measures which would enable them to enforce that policy. They should, if they think that a scheme of restriction is necessary, bring forward a measure insisting on compulsory restriction. There is a demand for compulsory restriction. Why do the Government hesitate? Then, they cannot perhaps solve this problem only by having recourse to measures of restriction. The general feeling is that this policy of Government is bound to fail. They are simply raising false hopes which they will not be able to fulfil. They may help the speculators in the *Fatka* market, as I have already mentioned, to make a decent sum by raising the price temporarily on the basis of this propaganda, but after a time the usual reaction is bound to follow. It is my duty, standing here as a representative of the people, to point out the dangers ahead. There will certainly be reaction, and that reaction will come sooner than Government anticipate it. I would ask the Government to take up a bold attitude, to take up a consistent attitude and to bring forward a measure which will really solve this problem.

Maulvi TAMIZUDDIN KHAN: Sir, I was under the impression that so far as this question was concerned, opinion in the Council was

almost unanimous, but I see that my hon'ble friend who has just spoken has raised a voice of protest. He has brought in the vexed question of compulsory restriction of the production of jute. You may remember that a few years ago, Dr. N. C. Sen Gupta introduced a Bill proposing that the cultivation of jute should be restricted by legislation. The House turned down the proposal, but, Sir, opinion has gradually grown in the country in favour of restriction. Therefore, when my friend says that restriction is one of the means which Government should consider, I have no quarrel with him, but I do not know why my friend objects to the proposed propaganda that is sought to be carried on in the country for the purpose of restriction of jute cultivation by voluntary means. Restriction by legislation no doubt is a feasible means, but everyone knows that if actually a law is passed and enforced and cultivation is restricted thereby, there is a danger of the law being abused, because under the present circumstances, it is only through the union boards that Government can think of enforcing a law like that. And at the present stage of the development of our union boards, no one can deny that there is that danger of the law being abused, and poor people oppressed, although I am of opinion that compulsory restriction should not be considered as out of the question on that ground alone. But it should be considered only when voluntary restriction fails. Before, however, that proposal is brought forward, I think we should not sit idle. It is not possible for Government to introduce legislation for compulsory restriction all at once. Some facts and figures are necessary to be collected. The necessary statistics have not yet been prepared. Therefore, it is unthinkable that Government can at the present moment introduce legislation with a view to restricting the cultivation of jute as a compulsory measure. That is impossible under the present circumstances. Therefore, I think the House as a whole should support the proposal of the Hon'ble Minister and pass this resolution unanimously. Sir, I am not one of those who are very optimistic about the proposed restriction scheme of Government. We may not succeed—there are many things in human life in which we may not succeed—but the question is whether the action that is going to be taken by Government is a feasible means whereby restriction can be effected. Government is launching a widespread propaganda and trying to induce the cultivators to reduce the cultivation of jute. Sir, if the people are really intelligent, it can reasonably be expected that they will voluntarily reduce their cultivation with a view to raise the price of jute. That is a thing which every cultivator understands. Therefore, if a vigorous attempt is made, it is not unreasonable that it will succeed. If this scheme succeeds, a good deal of unpleasantness will be obviated, because so far as the compulsory scheme is concerned which is advocated by some, there is the danger of the law being abused.

The original motion was then put and agreed to.

43—Famine Relief.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 2,00,000 be granted for expenditure under the head "43—Famine Relief" in 1934-35.

As explained in the Memorandum the budget provision at present is Rs. 56,000. It is proposed to increase this provision by the supplementary demand to Rs. 2,56,000.

Motions for reduction.

Maulvi ABDUL HAKIM: I beg to move that the demand of Rs. 2,00,000 under the head "43—Famine Relief" in 1934-35 be reduced by Re. 1 (inadequacy of the grant for relief in distressed areas).

I have tabled this motion simply to show that the demand is quite inadequate for meeting the needs of the people in the distressed areas. As time is very short, I do not intend to say anything in this connection, but simply move my motion.

Mr. P. BANERJI: I beg to move that the demand of Rs. 2,00,000 under the head "43—Famine Relief" in 1934-35 be reduced by Rs. 100 (apathy towards the interests of the poor agriculturists in the areas stricken with famine).

Sir, I have recently passed through various districts of Bengal and have noticed that Government is trying to give relief in the famine-stricken areas, but it is in a very small measure. It has just been pointed out by Maulvi Abdul Hakim that the amount is too small for famine relief if Government is really anxious to redress the distress of the poor agriculturists in the country. Some work has been started in this direction in the Rampurhat subdivision in the district of Birbhum. Mr. Jitendralal Bannerjee is not here, but he told me that the help that is offered there was just like a drop of water in the ocean. Even 2 lakhs are not sufficient for that subdivision alone, so we can easily imagine what these 2 lakhs that is now asked for as a supplementary demand will do to give relief to the people in famine-stricken areas. Members from the different districts are aware how famine is ravaging some of the districts of Bengal, but still Government has come forward only with a demand for Rs. 2 lakhs and that is our grievance with regard to this motion. It is our opinion that Government instead of this paltry sum should come forward with an adequate amount considering that 2 lakhs are not even sufficient for an average subdivision. Of course a sum of Rs. 10,000 has been given by Government after a lot

of applications and motions by members of district boards, but that is quite inadequate. So I submit that Government must consider this matter seriously and instead of such a small amount as 2 lakhs should come forward in future with larger demands for this purpose.

Rai Bahadur KESHAB CHANDRA BANERJI: I fully support the motion before the House. I am not one of those who would fling mud at the Treasury Bench at every available opportunity, but I can assure the House that the question of famine relief has been engaging the serious attention of the District Officers in the mufassal. I can say from my experience of some of the district boards in Bengal, particularly the district boards of Mymensingh and Dacca, that no stone is being left unturned to deal effectively with the situation. In the districts of Mymensingh and Dacca some portion has been very badly affected by the recent floods and the northern portion of Narayanganj subdivision in the Dacca district and Tangail in the district of Mymensingh have been very badly affected. Not only have the District Officers been trying their best in each of these districts to raise funds by public subscriptions, but it is understood that requisitions have also been made for suitable grants from Government. It is not the Government alone that can deal with this question in an effective manner; much remains for the local bodies, I mean the district boards, to do in this matter, and the district boards, although their financial position is not so satisfactory, yet are trying their best to provide people in the flood-affected areas with employment in the shape of road repair work. There are no doubt difficulties in providing the people of all the flood-affected areas with such work, but nevertheless, if genuine and sincere attempts are made to give them work, they will get at least partial relief from their present distressed condition. I admit at the same time that the amount of Rs. 2,00,000 is hardly adequate to meet the situation, but at any rate it will to some extent alleviate the distress in the affected areas. With these words I support the motion before the House, and I hope the House will adopt it without any division.

The motions of Maulvi Abdul Hakim and Mr. P. Banerji were then put and lost.

The original motion was then put and agreed to.

Loans and Advances.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 2,30,000 be granted under the head "Loans and Advances by Provincial Governments—Class I—Loans under Land Improvement and Agriculturists' Loans Acts."

As explained in the Memorandum the current year's budget provision is Rs. 4,00,000. It is estimated that the total expenditure will be Rs. 9,56,000. Out of the difference between Rs. 9,56,000 and Rs. 4,00,000, Rs. 3,26,000 has been found by reappropriation in the budget and the balance Rs. 2,30,000 now constitutes the supplementary demand that I have made.

Mr. P. BANERJI: I beg to move that the demand of Rs. 2,30,000 be reduced by Rs. 100 (apathy towards the interests of the poor agriculturists in the matter of granting such loans).

My argument in support of this amendment is virtually the same as I advanced in connection with my previous amendment and it is the apathy of Government towards the poor agriculturists. It is a well-known fact that these loans are given on the recommendation of only one Government officer that has recently been created as Circle Officer; he goes about to different parts of districts and makes the distributions. You are aware, Sir, that recently there has been a case in Dacca where the Circle Officer who was supposed to have given loans to the agriculturists actually did not do so. But he left Dacca with that money for his native district of Burdwan and never returned. Government detected this defalcation and a warrant was issued for his arrest. This case has been found out, but I believe there are other cases also which have not been so found out, and in many cases the poor agriculturists for whose benefit such loans are issued do not actually get it. Moreover, the Circle Officer goes about the villages and only recommends loans for those persons who are practically not agriculturists but simply middlemen, and those who are in their good books or who manage to please them. Government cannot now dispute the fact that their officers are not above all criticism and suspicion after this case of defalcation at Dacca. My object in moving this amendment is that in giving these loans Government should see that they are given to persons that are really agriculturists and need the loans. In spite of their talk of supervision, the fact remains that a responsible officer like the Circle Officer makes defalcations, and although they try to suppress such things at least one case has been brought to light.

Mr. J. N. GUPTA: I beg to oppose the amendment of my friend Mr. P. Banerji. Obviously, he is not opposed to the demand; for he does not say that it is not needed but his criticisms are levelled on the ground that the sum demanded is not quite adequate and he has also found fault with the method of distribution of such loans. In this connection he has quoted one instance in which a Circle Officer has been found to have defalcated a certain amount of money which he is supposed to have distributed to agriculturists. Sir, I had had a great deal to do with the distribution of such money in the past, but

no case of money intended for agriculturists but diverted for other purposes so that it did not reach them, never came to my notice. I moved about among the agriculturists as much as my friend Mr. Banerji does, and I am sorry that he has brought forward one case of defalcation and I think that to have brought that forward as an argument seems to me to be obviously improper. I think the demand is necessary and should be voted.

Mr. P. Banerji's motion was put and lost.

The original motion was then put and agreed to.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 4,60,000 be granted under the head "Loans and Advances by Provincial Governments—Class III—Loans to Landholders and other Notabilities" for sanctioning a loan to the Maharaja of Susang during the current financial year.

The reason for this loan has been explained in the printed Memorandum which has been circulated to all members of this House. It is not necessary for me at this stage to add anything further.

Mr. NARENDRA KUMAR BASU: Sir, I rise to ask the Hon'ble Member for certain information about the loan which is not contained in this Memorandum. I would like to know what the total liabilities of this gentleman are, what is the reasonable time within which Government expect to get the money back, what is the rate of interest at which the loan is to be granted, and whether or not Government are embarking on a policy of taking usufructuary mortgages of landlords' interests in granting the loan in this particular instance.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, as the hon'ble member knows, this money is advanced by the Government of India to the Government of Bengal. The interest in this instance is 3¾ per cent.; we are advancing to the Susang estate at 4¾ per cent., *i.e.*, at 1 per cent. higher than what the Government of India have charged us. As regards the security, the Board of Revenue in consultation with the Commissioner and the Collector went into the matter very carefully, and it is expected that the loan will be paid off in about 15 to 20 years' time. I can give my friend further information that it is not the Maharaja of Susang alone but all the co-sharers of the estate have joined in placing the estate under the Court of Wards. The Court of Wards will manage the estate and it is expected that between 15 and 20 years' time the whole loan will be paid off. My hon'ble friend knows that unless the Government is satisfied that an estate can bear

the charge and can pay off the loan within a reasonable period, the Court of Wards never takes charge of the estate. In this particular case all the materials were very carefully scrutinised and the Government of Bengal was satisfied that this was a business proposition. Not only that, when we applied to the Government of India, we had to satisfy them with the actual facts before they agreed to advance the money. So this matter has been scrutinised very carefully and so far as we can foresee there is no risk in it. Susang is a historic family and Government feels a moral obligation to save that family.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I have no intention to oppose this motion, but I would like to mention that we do not approve of the principle of giving loans to individual landlords only because a particular landlord has got into debt and it is necessary to save his estate. This is a question of preference—(A VOICE: Undue preference.)—may be undue in many cases. I know that in the past many notable families have been saved by giving loans to them, but I do not think that any democratic Government will approve of this principle of preferential treatment. In this particular case I do not object, because I know that the estate which is going to get this loan ought to be saved, the Susang estate being the oldest in Mymensingh, and so far as I know they have got into debt perhaps not through their own extravagance so much as to adverse circumstances. Therefore, they do deserve assistance. Another point is that I am not very hopeful that the Court of Wards will be able to repay the debt within the period estimated by them. If you look into the administration of the Court of Wards in recent times, I believe you will find that there are very few estates which have been so efficiently administered that they have been able to repay their debts. As a matter of fact the estates which have been taken up recently by the Court of Wards are going to be released because they have found out that they are in such a hopeless condition that it would be useless to keep them under their management any longer. Of course in this case the loan is going to be taken from the Government of India and paid to the estate. In the past the Court of Wards have taken loans from private individuals with a sort of undertaking that the estates will not be released till the debts are paid off, but at the present moment, I think, there are many estates where the Court of Wards find themselves in great embarrassment and welcome the release of the estates. Therefore, my intention is to give a warning to Government that this is not the proper policy to follow.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I am sorry that Khan Bahadur Abdul Momin should sound a jarring note in connection with the proposal before the House. He said that the

Government was going to be democratic very soon and in the circumstances it is not fair to give loans to individuals in the manner indicated in the Hon'ble Member's speech. I may inform the House that the Government is already democratic now. They are not only giving loans to some of the encumbered estates, but loans to agriculturists also are being granted. Only a few minutes ago the Hon'ble Sir. John Woodhead moved a motion for the grant of money for this particular purpose. So, the question of favouring a particular individual or individuals does not arise in this case. The Government are supposed to be impartial in every matter. They are granting agricultural loans to cultivators when they are in distress, in the same way they are lending money to the proprietors of estates to save them from ruin.

The time-limit for the discussion of the demand having been reached, the motion was put and agreed to.

41—Civil Works—Provincial.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, on the recommendation of His Excellency the Governor I beg to move that a token sum of Re. 1 be granted for expenditure under "41—Civil Works—Provincial" during the current financial year in connection with the emergent works already undertaken and those that may be urgently necessary at Maijdi owing to the river erosion at Noakhali.

The reason for this demand has been explained in the printed Memorandum which has already been circulated to the hon'ble members.

Babu HEM CHANDRA ROY CHOUDHURI: Sir, in rising to oppose this motion I want to say a few words. Many of the members of this House are probably not acquainted with the history of the erosion of the Noakhali town and the selection of Maijdi as a temporary station. Noakhali town has been eroded during the last 20 or 21 years. For some years the river was proceeding and during the next few years it was receding. It was probably in 1921 when the town was in immediate danger that Government had to select a site for the removal of the headquarters station and having no other means Government selected a site near about the present Noakhali town to shift the Government buildings there immediately. Subsequently, it so happened that the river receded, but the Government had already spent several lakhs of rupees in acquiring and raising lands there. This state of things continued up till 1932 or 1933. Only last year Government appointed a Committee to select a site for the removal of the

permanent headquarters station. This Committee sat in January last and selected Maijdi as the site for the removal of the permanent headquarters station, but they—the majority of the members of that Committee—remarked that had this Committee been appointed a few years back, they would not have selected Maijdi for the permanent headquarters station, because the Government expert, that is the Chief Engineer of the Irrigation Department, was of opinion that the site at Maijdi might be eroded within 30 or 35 years. The Committee thought it had no other alternative but to select Maijdi as there was no sufficient time in their opinion to acquire and raise lands and construct buildings for erecting the permanent headquarters station elsewhere. Another consideration was that a good deal of money had already been spent at Maijdi. So, being led by these two considerations the Committee had to select Maijdi for the permanent headquarters station; but after the submission of their report the river became very ferocious and almost three-fourths of the town was eroded during the last rainy season after which Government sent their experts to make an inquiry into the matter. These experts were also of the same opinion that Maijdi was not safe. Still Government continued to erect buildings there. My point is——

Mr. PRESIDENT: I am afraid I must adjourn the House. The debate will continue to-morrow and six minutes will be available for further discussion of the demand.

Adjournment.

The Council was then adjourned till 2 p.m. on Wednesday, the 12th December, 1934, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 12th December, 1934, at 2 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 106 nominated and elected members.

Mr. PRESIDENT: Gentlemen of the Council, I have just received a message from His Excellency the Governor and I shall be grateful if you will rise in your seats when I read the message to you.

(The members rose in their seats.)

Mr. PRESIDENT: Here is the message:—

GOVERNMENT HOUSE,

CALCUTTA.

The 11th December, 1934.

DEAR MR. PRESIDENT,

I desire to express to you my deep appreciation of the observations made by you from the Chair yesterday with reference to what occurred at Lebong in May last and of the reception accorded to your remarks by the House.

I am,

Yours sincerely,

(Sd.) JOHN ANDERSON.

The Hon'ble Raja Sir Manmatha Nath Ray Chowdhury, of Santosh,

President, Bengal Legislative Council.

STARRED QUESTIONS

(to which oral answers were given)

Bengal Telephone Corporation.

*5. **Mr. NARENDRA KUMAR BASU:** (*a*) Is the Hon'ble Member in charge of the Commerce Department aware of a feeling of dissatisfaction at the charges of the Bengal Telephone Corporation, Ltd., and their method of recording calls?

(*b*) Will the Hon'ble Member be pleased to lay on the Library Table a copy of the licence under which the said Corporation work?

(*c*) Are the Government considering the desirability of taking any steps either to induce the Corporation to reduce their charges or taking over to themselves the telephone system of Calcutta and working it in conjunction with the Government Telephone?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) No.

(*b*) Licences under the Indian Telegraph Act of 1885 are granted by the Governor General in Council. The Government of Bengal have not a copy of the licence granted to the Bengal Telephone Corporation, Ltd.

(*c*) No. The Hon'ble Member is doubtless aware that under the Government of India Act telephones constitute a Central subject.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the Government of Bengal is entirely helpless in the matter and cannot even make recommendations to the Government of India?

The Hon'ble Sir JOHN WOODHEAD: We could certainly make recommendations.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member take it from me that there is a feeling of dissatisfaction at the charges and about the method of recording calls? Will the Hon'ble Member also make an inquiry into the matter and make representation to the Government of India, if he considers necessary?

The Hon'ble Sir JOHN WOODHEAD: No, Sir, I cannot reply to that question offhand.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member take it from me that there is a feeling of dissatisfaction at the charges and at the method of recording calls?

The Hon'ble Sir JOHN WOODHEAD: I am afraid I find it extremely difficult to say "Yes" or "No" to that.

Rai Bahadur KESHAB CHANDRA BANERJI: Have the Government received any representation on the subject during the last three years?

The Hon'ble Sir JOHN WOODHEAD: Not to my knowledge.

Ex-detenu Manindra Narayan Roy.

***6. Mr. NARENDRA KUMAR BASU:** (*a*) Has the Hon'ble Member in charge of the Political Department received a memorial from Mr. Manindra Narayan Roy, an ex-detenu, dated the 14th October, 1934?

(*b*) Is the Hon'ble Member aware that the said Mr. Roy has been reduced to abject poverty in virtue of the orders passed on him and that he is subsisting on the charity of his friends?

(*c*) Are the Government considering the desirability of allowing Mr. Roy to earn his livelihood by permitting him to proceed to Patna where he had been living since 1924 and where he is assured of a paid job?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Yes.

(*b*) In consideration of his circumstances, the Bengal Government sanctioned an allowance for him for 2 months after his release to enable him to tide over the period when he was looking for employment.

(*c*) There are objections to his proceeding to Patna at present and his prayer has accordingly been rejected. The Bengal Government are not the only authority concerned in this matter.

Mr. NARENDRA KUMAR BASU: Seeing that there are objections, presumably from the police, to his proceeding to Patna where he can earn his livelihood, will the Hon'ble Member be pleased to consider the question of granting him a subsistence allowance in Calcutta?

The Hon'ble Mr. R. N. REID: The question of granting him an allowance for a further period might be considered.

Mr. SHANTI SHEKHARESWAR RAY: Have these objections been received from the Government of Bihar and Orissa?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Member willing to approach the Government of Bihar and Orissa to grant some subsistence allowance to this gentleman?

The Hon'ble Mr. R. N. REID: I do not think we have got a very good case for approaching the Bihar and Orissa Government on that ground.

Mr. NARENDRA KUMAR BASU: Has the Hon'ble Member received a memorial from this gentleman asking, either to be allowed to go to Patna or, in the alternative, for a subsistence allowance in Calcutta. If so, is the Hon'ble Member going to consider that prayer on its merits?

The Hon'ble Mr. R. N. REID: I think that was the substance of the memorial and it forms the subject of sub-section (*a*) of this question.

Mr. NARENDRA KUMAR BASU: What I wanted to know is that now that it has been decided that he should not go to Patna, whether a separate memorial for a subsistence allowance will be necessary.

The Hon'ble Mr. R. N. REID: There is no necessity for a further memorial.

Motion for adjournment.

Mr. P. BANERJI: I beg for leave to move the adjournment of the business of the House to consider a matter of urgent public importance, viz., the seriousness of the situation arising out of the dock workers' strike in Calcutta.

Mr. PRESIDENT: I have given my consent to leave being asked to move this motion. I will read the motion to the House:—

> "That the business of the House be adjourned to discuss a matter of urgent public importance, viz., the seriousness of the situation arising out of the dock workers' strike."

Is there any objection?

There being no objection, I fix 2-30 p.m. for the discussion of this motion.

GOVERNMENT BUSINESS

DEMAND FOR GRANT.

41—Civil Works—Provincial.

Babu HEM CHANDRA ROY CHOUDHURI: Last evening I was telling the House that the majority of the members of the Noakhali Committee recommended Maijda to be the permanent headquarters station of Noakhali and their conclusion was based mainly on two grounds: Firstly, in the opinion of the Committee there was no sufficient time to construct a new headquarters station, and secondly, Government would be able to avail of the Maijda site which had already been acquired and to avail of the quarters of the Government officials at Sonapore. Hence, the construction of the headquarters at Maijda will be less costly than anywhere else. Subsequently, the erosion of the Megna took such a serious turn during the last rainy season that the Government sent their experts to examine the whole situation and the experts were all of opinion that the Maijda site was not at all safe. That being so, Government have stopped constructing all *pucca* work there, but has been continuing to erect *kutcha* houses at an enormous cost involving several lakhs of rupees. Following the order for shifting these office buildings, which are in immediate danger of being washed away, some of the offices have been removed to Maijda, with the result that litigant public, pleaders and *muktears* have been put to great inconvenience. Some of the offices being thus removed to Maijda and some being left at the present headquarters, the litigant public who have business in both the places find great difficulty and inconvenience to attend the offices both at Maijda and at Noakhali. Maijda, according to the opinion of Government experts, is not at all safe, and if Government continue to spend money at Maijda, that will mean nothing but throwing money into the river Megna. The public who do not know where the headquarters station is going to be shifted are in a great difficulty to decide about shifting of their residence. My request to Government is to declare without any further delay the site on which they propose to erect the permanent headquarters station of the Noakhali district, so that people might know their position and conveniently acquire lands and then begin to construct their own houses for transacting their own business. The delay in deciding the proposed site for the headquarters station will cause much loss not only to the public at large but also to Government, because for the shifting of these offices Government will have to make more temporary arrangement, at an enormost cost, only to be dismantled again as soon as the permanent headquarters station is located elsewhere. It is therefore desirable in

the interest of Government to give up this wavering state of mind on the part of Government and decide once for all where to shift the head-quarters station of the Noakhali district. I oppose the motion.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, as my Hon'ble friend, Mr. Roy Choudhuri has conceded, the choice of Maijda as the site for the headquarters station of the Noakhali district in case it had to be shifted from Noakhali town, was made years ago, and necessary land was acquired for the purpose, and the site was also laid out and improved. To-day, therefore, we have not got exactly a clean slate before us on which we can write just as we like, but we have got to take due note of what is already written there. That being so, Sir, I submit that it is too late in the day now to talk of any other alternative or more suitable site. There may be some danger even to the new site from the *khal*, but, Sir, we propose to build only *kutcha* structures there, as has already been stated in the memorandum which is now with the Hon'ble members.

In view of this explanation, Sir, the Council will, I hope, vote the demand I have made.

The Hon'ble Nawab K. G. M. Faroqui's motion "that a token sum of Re. 1 be granted for expenditure under '51—Civil Works—Provincial' during the current financial year in connection with the emergent works already undertaken and those that may be urgently necessary at Maijdi owing to the river erosion at Noakhali" was then put, and a division was taken with the following result:—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Armstrong, Mr. W. L.
Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra
Barma, Babu Premhari.
Barma, Rai Sahib Panchanan.
Badir Uddin, Khan Sahib Maulvi Mohammed.
Benjamin, Mr. H. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Cohen, Mr. D. J.
Cooper, Mr. G. S.
Dutt, Mr. G. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Hakim, Maulvi Abdul.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Hussain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Hashem Ali.
Khan, Maulvi Tamizuddin.
Lockhart, Mr. A. R. E.
Martin, Mr. O. M.
Miller, Mr. C. C.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Quasem, Maulvi Abul.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Maulvi Azizur.
Ray, Babu Nagendra Narayan.
Ray Choudhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.

Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Satkeowar Singh.
Sadullah, Maulvi Muhammad.
Samad, Maulvi Abdus.
Sarkar, Rai Bahadur Rohini Mohan.
Sen, Mr. B. R.
Shah, Maulvi Abdul Hamid.
Sulaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. S.
Williams, Mr. A. deS.
Woodhead, the Hon'ble Sir John.

NOES.

Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Nural Absar.
Kasem, Maulvi Abul.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Nag, Babu Sri Lal.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Nagendra.
Roy, Babu Jitendra Nath.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Nem Chandra.
Sen Gupta, Dr. Naresh Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

The ayes being 61 and the noes being 20, the motion was agreed to.

Motion for adjournment.

Mr. P. BANERJI: Sir, I beg to move that the business of the House be adjourned to discuss a matter of urgent public importance, viz., the serious situation arising out of the dock workers' strike.

Sir, first of all, I must let the House know that this is a strike of the Calcutta Port and Dock Workers' Union. This Union is registered as No. 53 under the Trade Unions Act of 1926. Before the strike of 1919, the rate of loading and unloading was only 4 annas; and after that strike it was raised from 4 annas to 8 annas, *i.e.*, from Rs. 25 to Rs. 50 per hundred tons. Sir, the arrangement between the workers and the stevedores was that the workers were getting only Rs. 8-4, and the rest was the stevedores' money. The shipping companies, who used to pay Rs. 25, increased the rate to Rs. 50. But subsequently when the terms were arrived at in 1919, the stevedores, instead of raising this figure, from Rs. 8-4 to Rs. 16-8, raised it only to Rs. 12-8. The workers at that time did not know what the stevedores were to get from the shipping companies. And afterwards they came to know the actual figure, *i.e.*, the figure was doubled. Things continued in this fashion till 1922, when there was a temporary strike which lasted for one month.

Then, Sir, as you are aware, these workers, who are very poor, and who are not supported by any one in the country, were treated in this way by the stevedores, who had in the meantime amassed tons of money. I shall give you, Sir, facts and figures of the fabulous wealth amassed by these stevedores. There are about 13 or 14 stevedores. One who used to live in huts before, has now built 82 houses not only in Calcutta, but in

other parts of India, viz., Benares, Patna, Ranchi, etc.; while these poor people are not practically getting even their daily bread. It was, therefore, their legitimate grievance that when the shipping companies raised the fees from Rs. 25 to Rs. 50, the stevedores had not given them their legitimate dues. This went on for some time. Further, there were other grievances not only in the matter of wages but also in the insistence of the stevedores on heavy hours of duty. Their original hours of work were 11, but in actual shifts they had to work more than the 11 hours, and during the night they had no recess—they had only a recess for one hour during the day from 12 a.m., to 1 p.m. When they organized themselves into a body under the Trade Unions Act, then the stevedores found it difficult to manage them; and in order to fight them they raised the question in 1922, when another agreement, unknown to the workers, was foisted upon them. Until recently, when this matter was raised only six months ago, Government were naturally apathetic when it was brought to their notice. I will cite the replies of Government one after the other. In the beginning Government wanted certain forms to be filled up, which the Union did. Subsequently, a letter was sent by the Deputy Secretary to the Secretary of the Union that Government could do nothing in the matter. Government also declined to review the figures proposed to be submitted to them. They did not act according to the Trade Unions Act. The Deputy Secretary to the Government of Bengal in the Commerce Department simply said that they could do nothing in the matter, as I have already said. That was the position of Government; it was absolutely neutral. Government instead of redressing the grievances of the people maintained absolute neutrality. We do not know why?

Sir, it is a well-known fact that Government always pose as the protector of the masses; they always say that they are the *ma-bap* of the people. And, accordingly, the labourers, too, consider them as their *ma-bap*. Where are the Government now? The strike was started after due notice, and Government cannot now say that it is an illegal strike, because the workers have employed all legitimate and constitutional means, which, unfortunately, have been of no avail; it is as a last resort they have gone on strike. Nobody can dispute that they are not absolutely peaceful. This is the seventeenth day of the strike, and there are about 14,500 people going about the streets of Calcutta absolutely unemployed. We have never heard of such a large number of workers going on strike without redress anywhere in the world. We know of no instances of such peaceful people going on strike either in England or any other place in the world. Their demonstrations are absolutely peaceful. They have brought their grievances to the notice of Government and the public. What have the Government done? They have done nothing. The men moved the Bengal Chamber of Commerce, who also instead of redressing the grievances of these helpless people, said that they could

do nothing in the matter and that it was the business of the shipping companies and the Master Stevedores' Association. Recently, a resolution was passed by these two bodies in which they say that the steps taken by the stevedores were absolutely right without giving the strikers a hearing in the matter. That, Sir, is the position.

As regards the agreement to which I have referred, the Bengal Chamber of Commerce in their letter referred also to the so-called agreement of 1922. As I have said, nobody knows anything about that agreement which is absolutely a forged document, and it was prepared by the stevedores themselves in their own interests. I will, Sir, with your permission read some of the clauses of this agreement later. When the stevedores wrote to the Deputy Commissioner of the Port Police on the 21st of September, they enclosed a copy of that agreement and they sent also a copy of that letter to the Port and Dock Workers' Union. As I have already said, this agreement is a forged one. It was the work of the stevedores, who managed to get the thumb impression of the illiterate *sirdars* and leaders of the gangs when the latter used to go to them on business. These people were told that if they were willing to work, they should signify their assent by giving their thumb impression to the document and that they agreed to work on the same terms no matter whether there was a strike or anything. These people, viz., the *sirdars* and leaders of the gangs, who do not know how to read or write English at all, were made to give their thumb impression on this document.

Some of the important clauses provide as follows:—

(1) No gang will be employed whoever does not agree to abide by them.

(2) All the owners and agents of steamers line loading or discharging in port of Calcutta unanimously support the stevedores insisting on these terms. While the stevedores are *willing* to start work again *providing* the labour will agree to work on those conditions, and that to ensure work commencing at 7 a.m./p.m., gangs shall be on board by 6-30 a.m./p.m., and must not leave before 5-30 p.m./a.m., with an hour off for meals during the day.

Of these terms, in particular, two points are very important. One is that according to the agreement of 1919 they are required to work from 7 a.m. to 5 p.m., during the day and also from 7 p.m. to 5 a.m., at night. Under the Act they can claim they should work for 8 hours only, whereas they are made to work for 11 hours. Further, the gangs were required to be on board the ships at 6-30 a.m., *i.e.*, half an hour before the specified time. Therefore, the men objected to this arrangement.

The other point is that each gang should consist of one *sirdar* and ten men. According to the terms of the alleged agreement of 1922, it was

originally for one *sirdar* and eight men. In fact, I know that in many places there are seven men in one gang. One of the stipulations of the agreement was that there should be one *sirdar* and ten men at work.

Then, Sir, there is another provision as regards labour—

> The stevedore has *absolute* control over the labour and discretion to discharge any *sirdar* or coolie for any reason he may *think* fit, ...and that half-day or night pay not to be payable if the gangs are dispensed with before 8 a.m./p.m., owing to non-arrival of ship, inclement weather or other cause not under control of the employer but the gang or gangs to be paid at the rate of Rs. 3 per day per gang and Rs. 4 per night per gang for going to the vessel.

For inclement weather and non-arrival of ships in port, not a single farthing is paid to the men. What I submit, Sir, is that it was an absolutely forged document and was not made with the consent of the workers, but it was a private arrangement made by the stevedores in consultation with the shipping companies. So, when the workers applied to the Bengal Chamber of Commerce, the Chamber said that the men were not working according to the terms of the agreement and that the Chamber could not interfere in the matter. The Chamber further told the men that they should go to the persons who were interested in the matter, viz., the stevedores. You are not working according to this, and we are not the persons to interfere in the matter, but you go to those interested persons—the stevedores. Sir, my point is that the stevedores get Rs. 50 and the demand of these people is Rs. 16-8 as wages for day work and Rs. 20-8 for night work. For night work, they can demand Rs. 25 but they are reasonable men and maintain that their wages for night work should be Rs. 4 more than that for day work.

Another point is the period of work per day. We are aware what the attitude of Government is in the matter. A police constable renders eight hours' duty every day, but Government think that it is impossible for these people to do their duty standing on roads for eight hours, and it is being proposed to reduce the duty to six hours. But just imagine that these coolies have to work for 11 hours and practically for the whole night when they have night duty. Besides, their work is not so light as that of the constables standing on the roads. They have to carry loads sometimes with the help of cranes, but often without cranes, inside the ship. You will, therefore, realize, Sir, what a difficult job these poor men have to do. Their employers have no consideration for them, and they have nobody in this world to help them. They approach Government who refer them to the shipping companies, and these shipping companies in their turn send them to the stevedores. So, Sir, these stevedores are their real masters. And who are these stevedores? They are the blood-suckers of these people. It is very unfortunate, Sir, that in

this country, whenever the people want their legitimate grievances to be redressed, there is a cry that they are communists. What about the recent strike in England? Was there any communism there? Certainly not. But what is the position here? Do these people understand what communism is? Do they fight for class war? Do they try to subvert the Government by force? They do not. Then, what is the position? The position is that a false cry is raised by the interested persons.

Sir, my friend the Rai Bahadur said yesterday, that this Government is run absolutely on democratic principles. Where is that democracy here, Sir? Has the Government come to the rescue of these people? I say, Sir, that this Government is run in the interest of the capitalists. Ours is a capitalistic Government, and what is the position of these unfortunate people? They are absolutely helpless. What was then the necessity of passing a Trade Union Act? What was the necessity of appointing a Trade Commissioner or a Labour Officer? What is the work of this officer? I understand Mr. Walker is the present Labour Commissioner. I ask, Sir, has this officer any work to do? I think not, except that he was walking along. (Laughter.)

(At this stage, the member reached his time-limit, but was allowed to continue for two minutes more to conclude his speech.)

Then, Sir, police help was requisitioned for on the report that these strikers threw stones and brickbats. In fact, Sir, I contradict this statement. The stevedores brought workers at such a high rate as Rs. 5 and throughout the period they have been giving them food and they were given an additional sum of Rs. 50 for insulting the strikers by abusing them. And with what result? The result was that many persons were taken to the hospital.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I gave notice of a similar motion, but as Mr. P. Banerji's motion has got precedence over mine, I take this opportunity of speaking a few words on the subject. My line of argument will be different from that of Mr. Banerji and having regard to the issues involved, the House, I hope, will consider my contention in the spirit in which it is made.

Like terrorism, "strikes" are an exotic plant grafted on Indian soil. Such disturbances are alien to the traditions, culture and civilisation of our country. Sir, I represent a constituency where a good fraction of the population live by daily labour in the various jute firms at Dacca and Narayanganj. There are hundreds of labourers employed by the Dhakeswari Cotton Mills, Ltd., and I am proud to say that my district, and for the matter of that, Bengal of the present day has belied the aspersion against her sons that they are averse to taking up "handling work" which Sir Edward Benthall had the goodness(!) to say in his joint written memorandum before the Whitley Commission (*vide* Evidences Volume 1,

page 252). I am also in a position to inform the House that the Dhakeswari Cotton Mills, Ltd., are manned entirely by Bengalee labour and we have had no strike since the establishment of the mill. My friend Rai Bahadur S. K. Das, a prominent Director of the said mill, will perhaps bear me out in this matter. Sir, a casual strike to remedy grievances can have some meaning, and can claim sympathetic inquiry into the causes leading to it, but when a strike is prefaced by the insignia of the hammer and the sickle and with an appeal "labourers of the world unite," it assumes a different complexion altogether, and we have to go deeper and study the ethiology of such organised demonstrations. To my Hindu and Moslem friends, I say that it is no communal dish or dinner for proportionate representation, and to my European friends I say it is no discriminatory or preferential tariff for which they might plead a safeguard! It is a direct challenge to the traditions and civilisation which we represent and an open threat to demolish the age-long structure of society and bring in anarchy, chaos and disorder into the country.

Sir, expatiation on doctrines of communism at the tea-table may have a touch of romance and poetry about it, but to face it to stand before an unbridled mob is an entertainment which nobody in this Council would perhaps relish! Sir, consciously or unconsciously, the Congress indulged in irresponsible eulogy of socialistic doctrines and while decrying autocracy and bureaucracy, they have killed democracy and have given birth to mobocracy. Sir, political philosophy is my heritage, as it is of other landholders, and in saying what I do to-day on the floor of this House, I am only exercising my birth-right. We, the landholders——

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Has the political history of the landholders anything to do with the motion before the House?

Maulvi ABUL KASEM: Sir, has the advertisement of the Dhakeswari Cotton Mills anything to do with the motion under discussion?

Rai Bahadur KESHAB CHANDRA BANERJI: Let me develop my argument. My hon'ble friends should have patience. I have not finished yet. Sir, our political sagacity has been put to the severest test by the systematic neglect of gradual inroads on our rights and privileges in the shape of wresting away police powers from our hands and driving a wedge between landlord and tenant by objectionable legislation of which the Bengal Tenancy Act is a living example. We wonder, therefore, that Government should not reap the fruit of their own actions and have to face situations created by terrorism and communism.

Sir while 35 per cent. of the adult population of Bengal to-day is hungry, unemployed and ill-employed and every morning we read in the

newspapers reports regarding suicides, the non-Bengalee labourers in Calcutta can afford to indulge in strike and tumultuous demonstrations to the great detriment of trade and commerce. Bengal to-day is the orphan child in Indian politics. She is not wanted by the Congress, neither by the Central Government nor by the other provinces. In the *Statesman* (Town Edition) of the 10th December last (MAULVI ABUL KASEM: Page 3.) I find a message from Jorhat in Assam that the Assamese have petitioned the Viceroy to undertake Legislation so that Bengalee may not enter the province——

Mr. PRESIDENT: You are raising all sorts of questions, Rai Bahadur. I am afraid I cannot give you a longer rope. The motion before the House deals with a particular matter and its incidents, a specific case. Of course, I would not object to general remarks being made to illustrate your points with regard to the general causes of such troubles and the remedies, both preventive and curative, so far as such remarks are consistent with the motion under review; but you are drifting a bit too far.

Rai Bahadur KESHAB CHANDRA BANERJI: Alright, Sir, I have full sympathy for the hard lot of these strikers. If the hon'ble members hold their souls in patience, they would have understood my point. I am in entire sympathy with the grievances of the strikers, but one thing that occurs to me is that if Bengalee labour had been employed in these mills and outsiders had been precluded from getting employment, there would have been no cause for such demonstrations and strikes. Sir, I appeal to this House as well as to Government to consider this aspect of the question. In conclusion, I would like to add one word and it is this, that to my mind a court of inquiry should be appointed to investigate the causes led to the strike of stevedore coolies and thereby put an end to the unfortunate situation.

Maulvi ABUL KASEM: Sir, these strikes of labourers have become an order of the day. Every time we hear that there is a strike at a certain place or in a certain workshop, and to speak the honest truth, I have never sympathised with the strike, much less come forward to espouse their cause. But there is a great difference between the strikers elsewhere and the strikers in the dockyards. There they have got genuine and legitimate grievances and what is more, the idea of their grievance and the idea of the strike for the redress of their grievance are their own without outside influence.

In India, particularly in Bengal, we find outside influence instigating labourers to go on strike, but in this case those who have watched the strikers must have noticed that there was a genuine grievance and an attempt to redress their grievances by the labourers themselves. In fact,

they gave out publicly that they did not want outside interference and would not have it. My friend, Rai Bahadur Keshab Chandra Banerji, a *zemindar* of Dacca, who is also connected with the Dhakeswari Cotton Mills, has said that——

Mr. PRESIDENT: I will not permit you to make personal remarks.

Maulvi ABUL KASEM: There is no personal attack intended, Sir.

Mr. PRESIDENT: But you had better not continue in that strain.

Maulvi ABUL KASEM: Very well, Sir. His case was that the strike would never have come about if Bengalee labour was employed. In the first place I am told by Mr. Banerji that there is a large number of Bengalee labourers among the dock workers; besides, there are among the workers a large number of people who are domiciled in Bengal, but the real point why we do not get purely Bengalee labourers is because the Bengalee will not work and are afraid to labour (question, question) or, as my friend Mr. Suhrawardy says, the Bengalee is anxious to be a stevedore and make money out of it. As, however, the time for motion of this kind is only 2 hours, and as I know by past experience that the Treasury Benches as well as other interested benches are interested in having the matter talked out, I do not want to say anything more, but I only wish to add that the strike would not have taken place, not if Bengalee labour had been employed, but if the shipping agents and ship-owners had cared to listen to the grievances of these dock strikers. But unfortunately Clive Street to-day is adamant and awfully strong and has great influence and, being so closely situated to Writers' Buildings, they do not care to hear the grievances of these poor workers, and as long as they remain stubborn their only way is to go on strike and to say that the work ceases; otherwise, there is no remedy for these poor workers. Government is guided by rich men whom they have made rich and whom they want to make rich again, and it is high time that Clive Street was brought to its senses.

Dr. NARESH CHANDRA SEN GUPTA: I am afraid that a lot of things has been said with regard to this question which are likely to obscure the very simple issues which arise in this case. The questions at issue between the labourers and the stevedores are very short and simple. The labourers claim in the place of Rs. 12-8 per gang Rs. 16-8 per gang for day work and in the place of Rs. 16-8 per gang they want Rs. 20-8 per gang for night work. The question is: Is the claim of the labourers legitimate, fair and

Then, with regard to the hours of work the labourers insist that in contravention of a previous agreement they are really made to work from 6-30 a.m. or p.m. to 5-30 p.m. or a.m., that is, for 11 hours altogether, with one hour's interval for the day. They say this is in contravention of the agreement. They also ask that instead of working a crane with one gang there should be two gangs to each crane as the work to be done on each crane is far too heavy for a single gang, and this was as a matter of fact embodied in the settlement of 1919. As against that it is stated now that there was another agreement in 1922 which abrogated this particular clause. The question is a question of fact and the question is also a question of fairness. Is it a fact that these workers work too hard or too heavily? Have they got a legitimate grievance with regard to that? Well, with regard to this particular claim for working each crane with two gangs, there is one interesting fact that, at least, one Company, viz., the Harrison Line, does engage two gangs for each crane. Now, the workers have been at difference with the stevedores upon these issues. They have approached every possible authority which could possibly mediate between them, and everywhere they have received nothing but rebuff. They have approached the Government and the Government, although they have power under section 3 of the Trade Disputes Act to appoint a Board of Conciliation or a Court of Inquiry, where any trade dispute exists, or is apprehended between the employer and any of his workers, yet, for reasons best known to themselves chose not to interfere. After that the workers have gone on strike. Rai Bahadur Keshab Chandra Banerji has made this an occasion for a homily on the foolishness and the outrageousness of these poor people going on such a thing as a strike. His general observations with regard to strikes and his untaught learning about communism and other things which do not concern him now, ought to receive very serious attention, but not in this connection.

Rai Bahadur KESHAB CHANDRA BANERJI: Is the member entitled to make personal reflections?

Dr. NARESH CHANDRA SEN GUPTA: He is dreaming of the romance and poetry—of starvation—perhaps. He may indulge in romance and poetry with regard to poverty and unemployment and starvation, but not the poor workers with empty stomachs. The head and front of the offence of these strikers in the eyes of Rai Bahadur Keshab Chandra Banerji is that they waved the banner of the hammer and sickle and there he scented communism, and I am not sure that Government did not scent communism there. However, these are the demands of the labourers. I do not express any

opinion as to whether they are just or unjust. With regard to these matters there has been a trade dispute and the Government was asked to interfere; was there any reason why there should not have been this interference? Directly they hear of the hammer and sickle they see the dangers of communism and the fears of revolution, but I am afraid if there is one way in which the workers can be driven into the hands of revolutionaries or communists it is in this way of turning a deaf ear to their legitimate complaints—complaints which have only to be investigated by a Court of Inquiry or an independent body. But Government has not chosen even to make an inquiry of their own in the presence of the strikers themselves.

Rai Bahadur KESHAB CHANDRA BANERJI: But nobody defends Government.

Dr. NARESH CHANDRA SEN GUPTA: Why? For what reason? Why have these 15,000 people been allowed to go on strike and why, I ask, has all the strength of the police been directed towards preventing the strikers from doing what is legitimate picketing, by force and violence? This I can understand upon one hypothesis only, and it is that Government is determined, no matter how many Acts of a socialistic character, how many Trade Disputes Acts they may hang in their drawing rooms, Government is determined that the poor shall have no rights, that the poor shall have no remedy to their grievances. Is it true, Sir, that this is the mentality with which Government is actuated? If not, what occasion was there for Government siding with the stevedores in this matter. The tremendous profits made by the stevedores, every pice of which is earned by the arms of these hungry labourers, is that not a clear indication of the extent to which these people are exploiting their labour, and sucking the blood of the labourers? If the Government is really serious in its condemnation of the blood-sucking money-lenders, if it had any soft corner in its heart for the poor labourer who is exploited by money-lenders, how is it that they have no feeling for these labourers who are exploited by stevedores who are also blood-suckers who do nothing but act as middlemen, hardly even as entrepreneurs, and have no very onerous duties to perform. If the shipping companies would allow these labourers to do without the stevedores and enter into direct contract with societies of workers, they could do so and all the profits to these stevedores might have been saved either for the workers or for the shipping companies. Now, why this anxiety to keep this bonus for the stevedores? There is no reason for this anxiety. There are the complaints of the labourers which only ask for an investigation. Above all there is the fact that the labourers complain that the

agreement of 1919 has been violated. That is a simple question of fact. On the other hand, the stevedores say that there was another agreement of 1922 which the labourers however absolutely disown and which they say they have no knowledge of. That is a simple question of fact and this could be investigated as all questions of fact are investigated.

I do not say that the labourers are right nor do I say that the stevedores are in the wrong. I pronounce no judgment whatsoever over these matters in dispute. But here is a case of dispute for which 15,000 men are on strike and an enormous number of policemen have to be kept on the watch. Could not this be prevented much earlier by a simple promise of an independent inquiry? Why could it not be done? My friend the Rai Bahadur says "it could be done by all means." But he does not realise why Government does not do so. It is because perhaps Government has the same mentality as the Rai Bahadur's; it has the same fear of the banner with the hammer and the sickle; it has the same fear of the communists; as a matter of fact, I know that some of the persons who have been arrested in connection with the strike—I do not want to say anything about the merits of their cases, for the cases are *sub judice*—when some of these were taken to the police station——

Mr. PRESIDENT: I think you had better not say anything about that.

Dr. NARESH CHANDRA SEN GUPTA: The questions which were asked were, had they received any Russian money? That is what is harping in the minds of the police and that is what is communicated into the minds of the Government. As I have said, the issues are simple. The issues can be gone into by an independent body. They can be gone into even by a Government officer in an open inquiry. There is absolutely no reason why such an inquiry should not be held.

Mr. K. C. RAY CHOWDHURY: Sir, I do not want to add fuel to the fire. Everybody knows that the talk that is going on, the damaged criticisms, may to some extent prejudice either side of the dispute. I am here to place before the Council the broad and bare statement of facts that I have gathered and no fiction. I have taken some trouble to investigate into the matter. I am really grateful to some of my friends here who have raised this question, but I am sorry to tell you, Sir, that when I asked them to come and see for themselves the condition of the dock labourers, I was disappointed. To-day is the sixteenth or seventeenth day of the dock strike, which has involved between six to eight thousand Hindu and Moslem

workers and the loss of their wages amounts to nearly Rs. 8,000 a day. More than a lakh of rupees is already lost. The loss of the steam-ship companies and labour contractors must be enormous. I boarded one or two steam-ships in the docks and found blacklegs imported from Coconada, Chinamen and Anglo-Indians and unskilled workmen loading and unloading cargoes. They are paid from Rs. 2 to Rs. 5 per head besides board. I was told that the cost of loading 100 tons on the steamer "Stockwell" was Rs. 300 or Rs. 3 per ton against annas 2 or annas 3 per ton—the normal cost. Trade and commerce of Calcutta are seriously affected and the dislocation of the steamer traffic has almost upset India's oversea's trade position for the time being. In fact, a dock strike of a major port like Calcutta is a much more serious matter from an international point of view than an ordinary industrial strike. There was a strike like this in 1919 and the shipping of Calcutta was completely held up for nearly ten days. There was no Union at that time nor were there any politicians behind that strike. Cost of living went very high after the war and wages were low. Negotiations failed, strike followed and the *sirdars* proved themselves capable leaders and secured increased rate of wages from Rs. 8-4 per gang of nine or ten to Rs. 12-8 and decrease of working hours from 6 a.m. to 6 p.m. to 7 a.m. to 5 p.m., viz., 2 hours. The labour contractors who indirectly backed that strike got their rates for loading and unloading enhanced from annas 5 to annas 8 a ton. There was another strike in 1922 followed by a lockout, and the deadlock lasted for nearly seven weeks. The strike, however, collapsed because the British India Steam Navigation Co. supplied blacklegs from various parts of the country, and also because certain *sirdars* were quietly won over by the labour contractors. An Union was started after the collapse of that strike by a philanthropic merchant in Bowbazar Street and something like Rs. 50,000 was collected from the workmen in subscription. That Union collapsed and the funds disappeared and the promoters of that Union were prosecuted.

The present strike, as most of you know, is well organised and promoted by an Union. The intellectual leaders complain that they were tired of representing the dockers' grievances to the labour contractors and the steamer agents who did not even acknowledge their letters. The grievances put forward were (*a*) low wages, (*b*) longer hours, and (*c*) heavy work. The rate per gang of 8 men and 1 *sirdar* is Rs. 12-8 and this gang must load or unload at least 100 tons. It works out at a little over one rupee per head and about Rs. 2-8 per *sirdar*. This rupee a day sounds very good, but the workers have no chance to work more than 10 or 12 days per month; and that is the real hardship. The Royal Commission on Indian Labour investigated this aspect of dock labour and reported in

1931: "The main problem in connection with dock labour is that of minimising the hardships due to the unemployment or under employment.....Dock labourers complain that they were unable to secure adequate employment to maintain themselves and their families and this was confirmed by evidence that wharf labourers were employed for only ten or twelve days.....So far no attempt has been made to decasualise dock labour. The tendency has been rather to distribute employments among an increasing number of men with the result that the average earning of workers has diminished without any reduction in wage rates. (Page 186.) Therefore the grievances of dock workers regarding earnings per month are indeed real and *bonâ fide*. In Britain the dock workers' daily rate of wages, as fixed by an agreement in January, 1932, is 11*s*. 2*d*. or Rs. 7 for the greater ports and 10*s*. 2*d*. or about Rs. 6-8 for the smaller ports besides overtime, and I think by system of registration, each dock worker in British gets a chance to work at least 150 days a year. The most significant factor regarding the Calcutta dockers' grievances is the astounding difference between the rate per ton received by the labour contractors known as master stevedores from the steamer companies and the rate per ton paid as wages by them to the workers. The contractors receive for loading and unloading general cargoes between Rs. 50 to Rs. 60 per 100 tons and the gang of 9 men receive between Rs. 12-8 and Rs. 16-8 per 80 to 100 tons. I have gathered that the net profit of a labour contractor, after paying all charges, establishments and supervisions is at least annas 4 a ton. The loading labour contractors handle nearly 50,000 tons of cargo per month each and individual contractors bank the balance after paying the labour Rs. 12,500 a month and my estimate is that a contractor makes roughly about Rs. 6 per month per worker as his net profit. There are all sorts of rumour in Indian quarters that the contractors have to pay out large amounts as graft money to perpetuate their exploitation of labour."

Regarding dock workers' working hours, the Royal Commission has made full investigation and devoted nearly two chapters in their report. They said: "Having regard to the heavy character of dock work, we consider the normal working hours are unduly long .....The work of loading or unloading ships is more arduous than most forms of factory work. The maximum daily limit of ten hours, which we have suggested for factories is not suitable for docks as without a weekly holiday or a limit of weekly hours, this might involve too heavy a strain on the worker, particularly as overtime is necessary in certain cases. We recommend that for docks the normal daily hours prescribed by law should be fixed at nine. (Page 188.)" The latest convention, dated 27th October, 1933, about hours of European dockers is as follows: "Dockers' hours may not exceed

eight in the day and 48 in the week, excepting in case of damage to vessels or to goods when the maximum is 12 hours a day." Dockers, who have been employed in the port for not less than 200 days during the past year are entitled to holidays with pay at the rate of three days a year. Considering the heaviness of the work and serious unemployment in Calcutta docks and ports, the strikers' demand for eight hours' daily work is reasonable. I cannot help making one or two casual observations regarding dock labour and the causes that led to the present deadlock. I believe, owing to trade depression, the steam-ship tonnage, loaded and unloaded in Calcutta, is about 4 lakhs per month. Roughly, one lakh of this is handled by the British India Steam Navigation Co., departmentally, through paid supervisers and the rest, viz., 3 lakhs, is handled by seven Indian and two European contractors. The British India Steam Navigation Co. pay the same rate of Rs. 12-8 per gang of nine men as the contractors, and evidently the British India Steam Navigation Co. makes or should make good savings. I cannot understand why the other steam-ship companies—City, Anchor, Harrison, Brocklebank—follow the British India practise. Since the 1922 strike, steamer companies must have known what huge surplus goes to the pockets of the contractors. Did they ever try to impose a clause for fair wages in the contract? Did they ever think that contracting and sub-contracting of labour is detrimental to the interest of dock workers? Have they ever inquired that the treatment meted to some *sirdars* by contractors is most objectionable? Have they ever troubled to see that the workers get their full dues from the *sirdars*? I may inform them that one of the main causes of the present strike is bad treatment meted to a leader of this strike—a *sirdar*—by his employer stevedore. Did any of the companies or their contractors ever think of welfare work for their labour? Did these contractors, who own scores of big buildings all over the city, think of providing housing of labour or free medical aid? I would draw their attention to the welfare work of a big firm of labour contractors in this city. I draw their attention to the memorandum submitted by Messrs. Bird and Co., to the Royal Labour Commission in September, 1929. They employ about 7,000 manual workers in the docks and berths. Housing is provided by the firm for all manual workers employed up-country and for about 80 per cent. of those employed in Calcutta. Housing provided by the firm is rent-free, excepting in the case of a few better typed quarters at Kidderpore. Monthly paid workers are allowed full pay by the firm during sickness. Free medical attention and medicine are provided. The firm maintains a small hospital and two dispensaries in Kidderpore and Garden Reach.

It is most unfortunate that no serious efforts were made to avert this strike before it occurred or to terminate the strike soon after

it started. It does not seem logical to taboo this strike as communistic, because a handful of schoolboys or ex-schoolboys, who call themselves "Red Unionists" and flourish flags with hammer and sickle are mixed up with the Union of the dockers. There must be some serious reasons which enabled these boys, perhaps bent upon making communistic experiments, by gambling on the bread and butter of these poor dockers to capture six or seven thousand Moslem and Ooriya workmen. I have visited the *bustees* of the strikers and talked matters over with their real leaders, Aziz and Sher Khan. They told me definitely that they do not care about "*Baboo Lok ka* communism, but they know their own *Pet ka* communism" and that they untilise the Union to ventilate their grievances.

Mr. A. R. E. LOCKHART: Mr. President, Sir, this dispute is, strictly, between the stevedores and their labour, and it might therefore seem out of place if a representative of our group speaks, but I must say something, because the shipping lines are very directly concerned I shall shortly attempt to justify the attitude we have taken up in standing behind the stevedores who are our contractors, but I should like first to try and correct one or two figures which have been given to the House, who are perhaps not well acquainted with the details of this complicated subject and which may be misleading. Sir, I should like to correct the figure which has frequently been mentioned in the course of the debate, namely, that the stevedores make Rs. 50 per 100 tons of cargo per gang. The rate is certainly annas 8 to annas 9 per ton, but it does not follow that a stevedore gets Rs. 50 from only gang's work, and my own practical experience is that the figure varies and that with the lightest and easiest cargo not more than 90 tons can be handled by one gang, while the average is considerably less, say 60/60 tons. So the figure of Rs. 50 of which so much has been made comes down to Rs. 25 or Rs. 30. I bring this point forward so that members may realize the real facts, and I think that they should have the real facts before them.

Another question has been raised in the course of the debate as regards the number of gangs employed per hook. Four of the leading stevedores have always employed two gangs per hook.

Sir, there is an additional argument to be adduced as to the amount of money earned by the stevedore. The stevedore's work is always irregular for it depends on the cargo. Sometimes he gets big cargoes and sometimes he does not, and so the amount earned by him varies according to the cargo available to work. But he has to pay a gang once it is engaged, no matter whether it does 20 tons or even less.

Sir, the agreement of 1922 has been assailed by both Mr. P. Banerji and Dr. Sen Gupta on the ground that it was not agreed to by the men. That may or may not be true, but the fact remains that the men have

been working so long and that the agreement has been in force since 1922—a period of 12 years. Therefore, there are grounds for believing that there was such an agreement. This agreement laid down that in case of a strike 15 days' notice should be given and also that if there were points in dispute such points should be submitted to arbitration by the agents of the shipping companies and the stevedores. Neither of these points have been complied with. The changes that have been made in the agreement have only been in favour of the workers, for instance, a lot has been made of the point that the men have to attend half an hour before the allotted time. But that has not been enforced, as the men arrive at 7 and leave at 5.

Sir, as to notice, a notice was admittedly sent in September and it read roughly that if the demands were not conceded, they would take steps to bring about a strike. This is not a proper strike notice.

Sir, we have been accused of apathy: that neither the steamer companies nor the stevedores have done anything. This is not true. Meetings were held at the docks at which the *sirdars*, with the men employed under them, and the stevedores were present; and to my certain knowledge four of the leading stevedores held such meetings. The men were asked definitely about their grievances and also whether they were members of the Union. They replied in the negative to both these questions. Inquiries were then made in other quarters about the strength of the Union that was putting forward their grievances, and it was found to be negligible. As a matter of fact, in July, August and September last its membership was about 300 only. Then suddenly they went on a strike at 12 hours' notice. For all these reasons the steamship companies took up their stand behind their stevedores. Sir, you will have noticed in the statement made by the steamer companies that they refuse to deal with the Union. We did so and we refused because of the known communistic tendencies of several of the leaders. It is not a fact that we are opposed to trade unionism as a whole. Steamer companies do not object to well-run Unions; and my friend, Mr. Ray Chowdhury will agree with me that we are most reasonable on this point. But we consider that we would be failing in our duty both to the province and to industry as a whole if we dealt with men with known communistic tendencies.

Sir, the demands of the men are matters of detail into which I do not propose to enter here. I would finish up by repeating the attitude that the steamship companies have adopted. They are perfectly willing to consider the grievances of the men sympathetically if they return to work. They will not deal with the Port and Dock Workers' Union as at present constituted even when the men have gone back to work, but they would welcome the intervention of a recognised Trade Union such as the Federation of Trade Unions of which Mr. Ray Chowdhury is a representative in this House.

It may be that the men will be afraid to go back to work because they expect no sympathy; that may perhaps be their attitude. If that be so, I am authorised to say that the steamship companies themselves will see that negotiations are set on foot at once and will themselves be present and will supervise these negotiations between the stevedores and their labour.

Sir, I must make it clear that I am not in a position to say whether all or any of their demands will be met, but I can make a reference to one only and that is the system of payment. At the present moment payment is made through the *sirdars* and in many instances the *sirdars* take an undue amount out of the wages. We are perfectly ready to consider another method of payment more suited to the labour, and hope that it may be one of the points which will meet the views of the strikers.

Mr. H. S. SUHRAWARDY: Mr. President, Sir, I welcome this motion for adjournment and support it, but hardly on the grounds which have been advanced by Mr. P. Banerji or Rai Bahadur Keshab Chandra Banerji. The speech of Dr. Sen Gupta certainly strikes a sympathetic chord; but when Mr. P. Banerji insists that the strikers are justified because at the time when their remuneration was raised from Rs. 8-4 to Rs. 12-8 they did not know that the stevedores were getting Rs. 50 per 100 tons from the steamship companies, it is hardly a point in favour of the strikers.

Sir, so far as the notice which is alleged to have been given to Government is concerned, I doubt if Government will plead guilty to having received what may legitimately be termed a strike notice. I too have been following to some extent the progress of the dispute and the rise of the Port and Dock Workers' Union. I can state that Mr. Lockhart's information is correct upon the point. When the Port and Dock Workers' Union first came into existence it could not even at its best attended meetings muster more than 300 to 400 people and on occasions it had come into clash with other and rival Port Unions. It was difficult therefore to pay any heed to the demand that has been put forward by this Union as a demand coming from the port and dock workers as a whole or to take it seriously. Moreover, Mr. K. C. Ray Chowdhury, who in a very lucid speech placed all the facts before us, has clearly hinted at the real reason for the strike, viz., that one particular *sirdar* was badly treated by a stevedore. This particular *sirdar* has a tremendous amount of influence over these men and he is the person who has been able to engineer this movement. It is very regrettable that the workers and the labourers have been misled only because of the injustice that has been meted to one particular *sirdar*. But, apart from that, I do not think that the duty of Government lies only in trying to ascertain the origin of this movement. The question

is that matters having come to a head, what is the duty of Government in this connection; and in my opinion it is high time that unless our political and social structure is destroyed in an upheaval of the proletariat, Government must recognise its responsibilities towards labour. I realise that when the Union held its meetings, it held them under a red banner with a hammer and sickle. I feel that the labourers have been to a large extent led by communist leaders. Nevertheless, we ought not to turn away from them and not try to investigate whether the labourers have any genuine grievances.

Such occurrences, as the dock strike, in fact, no labour strike, would be possible, if only Government had an enlightened policy and pursued it. Government must have recognised that the Indian labourers are peculiarly submissive. We are good natured, we detest cataclysms and revolutions, we want peace and quiet, we are long suffering and greatly patient, our standard of living is low, our wants are few, our horizon is limited. We fear Government, we do not love the police. We do not wish to do anything which may bring us into conflict with either. As a matter of fact, we have to work so hard for a pittance, and we get so little, and we are so much in debt and want, and so dependant upon reasonably continuous employment, that we cannot afford such luxuries as strikes and unemployment, and the doubtful experiment of a revolution. We are, therefore, able to bear long hours, low pay, and hard soul-searing and back-breaking work, and the constant payment of *salamis* to jobbers and to the innumerable high and low officials who get the distilled—sometimes double and sometimes treble distilled—perfume of our offerings. But a time comes when we cannot bear the load of injustice further, when the strain is too great for our patience and for our frail unfed bodies, and we break out and strike. I can assure you, Sir, however, that in nine cases out of ten when strikes do occur, they do so when there is no other help for it. Fortunately, the attitude of labour is and has been constitutional. It has not yet been captured to any extent by revolutionary and communistic gangs, and when the labourers strike, they do so in exercise of their perfectly legitimate right of not working if the conditions are not suitable; and of endeavouring to alter the conditions of work so as to make work and life for them worth while. This is just the time when Government should step in. You cannot stem the demands of labour. The conscience of the world has awakened to the necessity of looking after the interest of the labouring population, not in a patronising spirit of philanthropy, but as a necessity of society. The policy of all well-conducted Governments must be to weld labour and capital, employers and employed into a great composite and harmonious whole. And, if Government, the guardian and repository of social conscience, does not consciously adopt this policy, and leaves labour and capital to fight out their unequal fight, then the social structure must inevitably collapse.

If the labourers do not find their refuge in the constitution or the Government, gullible and ignorant as they are, they will lend a willing ear to those who applaud labour as the creators of all wealth, and who deliberately and fraudulently ignore the interdependence between the employers and the employed. If Government—and again I repeat Government as the embodiment and repository of the social conscience, and not merely a machinery for preserving peace—does not step in and help labour to occupy its righful place in the social structure—and claim its rightful dues in the production of wealth—or at least as a first step, secure a living wage and decent conditions of employment, then the call of that insidious drug will make greater slave of the labourers, while they imagine that they are the masters of the universe, that will destroy not only their bodies, but their souls and all that makes life worth while and differentiates humans from beasts, will be too insistent for their frail wisdom. After all, the slogan of the communist does open some vistas of hope, does offer some escape from eternal slavery; and what is there to prevent the labourer from being attracted by it? On the one hand, it is being spurned by constituted society, on the other it does not know the terrible fate that awaits it if it treads the path of communism. If there is one public enemy that must be destroyed, one evil that must not be permitted to corrupt our social structure, one evil influence from which the labourer should be kept immune, it is communism. I have no firsthand knowledge of it, but I can claim close association with some who have, and their views and their recital of what communism has done for Russia—how utterly it has blasted and damned and enslaved the people—must weigh with me to voice an emphatic condemnation of the movement. But what other alternative is there if Government does not intervene? For the sake of the labourers, for the sake of the entire society, for the sake of humanity in general, Government must intervene in the present dispute, and for the future, declare a well-formulated policy and adopt a well-considered course, for the welfare of labour. The dock strike is merely a symptom: it has a certain importance because a large number of labourers are involved and the shipping industry is involved. It is difficult to judge the merits of the actual dispute. On the one hand the shipping companies state "We pay our stevedores sufficiently; when we undertake the work ourselves, we do it cheaper; why should we pay more? If there is any dispute, it is with the stevedores." The stevedores say: "It is true we receive more than we give, but so does every middleman; and after all we have to pay for our job, we have to offer presents to cargo superintendents, and to some even we give a share of our earnings; we have to send *dalis* and presents to the *burra sahibs* in order to keep our jobs; we have to pay not only the gang Rs. 12-8 or Rs. 16-8 as the case may be, but winchmen and various other ratings; we have to pay compensations under the Workmen's Compensation Act; we have to pay gangs full pay without work when it is raining, or when we have been

asked by shipping companies to engage labour and they have not supplied us the goods." The labourers say; "Your margin of profit is too great; our employment is fitful; we have to work too hard and our earnings are small." Now, who can settle the dispute? Only Government can do so, irrespective of whether the labourers are at the end of their tether and must inevitably collapse; or whether the shipping industry is getting paralysed, and trade is at a standstill. Government must step in and adjudge; and not only in this particular instance, but it must create a permanent machinery for intervening in labour disputes. To-day its policy by its very neutrality is antagonistic to labour. It takes up an attitude that labour disputes are not its concern; if labourers strike, it will not go into the merits of the case; that if blacklegggers are desirous of taking their place, they will help them with all the force at its command; for theoretically it does not wish to take sides and it must allow persons freedom to work if they want to do so. This is all right if the sole function of Government is to see that peace is preserved. But surely that is not so, and no enlightened Government can dare state it in categorical terms. Unfortunately, in the absence of a proper, well-defined policy on the part of Government for the welfare of labour, the police are compelled to resort to all the means in their power to break strikes and help employers however rapacious, and help strike-breakers however stupid, and foolish and wicked. Legitimate strikes are treated in the same manner as illegitimate and unnecessary ones. And if any police officer has conceived it his duty to help the employers, as he well might in the absence of any declaration by Government, then woes to the labourer. I have known of an instance when erstwhile *budmashes* and bad characters became the pillars of law and order, because they broke strikes; where diaries and reports were sent to the Police Magistrate by the police; where proceedings under section 107 were ostensibly drawn against both parties, but the Magistrate for reasons unknown but sufficiently apparent, elected to proceed and bind down the labour party and declined to proceed against the other; where even after being bound down all those who were prepared to stand surety were threatened and bullied. Such things would not be possible if Government only had a Labour Officer with well-defined duties. I would beg Government not to be afraid of approaching the subject with vision and foresight. If there is fear that labour will become overbearing and extravagant in its demands and hence it should be kept down until it can no more be suppressed, present political and social conscience will not tolerate such a policy; and as a matter of fact we are too docile to be overbearing; and too grateful for small mercies, not to appreciate anything done for us. We do not like strikes, least of all do the labourers. I for myself believe that the aim of all labour welfare legislation should be to make strikes impossible; and if in spite of everything, the workers strike, Government should not hesitate to declare them illegal in the interests of the workers. But before this

can happen, Government must have done everything possible to safeguard the interest of the workers and must set up a proper machinery to remedy their grievances. I am prepared to give my suggestions at a suitable opportunity, but the principles are well known.

(The speaker having reached his time-limit, resumed his seat.)

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I do not know the real facts of this unfortunate trouble. The mover of the resolution is of opinion that the workers have legitimate and just grievances against the employers who make undue gain out of their share. It has been supported by Dr. Sen Gupta. On the other hand, Mr. Ray Chowdhury does not admit all that. He gives another version; he is of opinion that it is due to a particular *sirdar* who instigated and fomented the coolies to go on strike. Mr. Lockhart also gives figures which do not tally with what the mover has given. So I do not wish to enter into the question as to which party is to be blamed, but it is admitted by all that this sort of thing should not be continued any more. It has continued for 17 days and must be checked at once. The best course, I think, would be for the Government to form a Conciliation Board under the Trade Disputes Act, if it is possible, in which the representatives of labour and also that of the employer should find a place, and also there should be somebody who does not belong to either of the parties. Sir, as a practical instance I found that lately in Bombay there was a strike, and a Conciliation Board was formed with the result that they did excellently well and satisfied both parties to the fullest extent. I hope if the labourers' strike be taken off and a Board be formed with the representatives of all parties in which they can represent their grievances, I think that will be more satisfactory and the strike will come to an end.

With these few words I beg to support the motion.

The Hon'ble Sir JOHN WOODHEAD: I intend at the outset before I come to deal with the attitude of the Government to state the facts relevant to this strike as shortly and as accurately as I can. There seems to be a difference of opinion as regards whether the agreement according to which work was being carried on was of the year 1919 or 1922. I have a document here which will throw some light on that question. It is the Report of the Committee on Industrial Unrest which sat in 1921; and the Appendix to the Report contains a list of strikes in 1920. According to that Appendix there was a strike of dock labourers in 1920 and before that strike the terms were Rs. 10 per day and Rs. 13 per night per gang. That strike was settled by an increase in payment. The increase was to Rs. 12-8 per day and Rs. 16-8 per night; the same rates of payment were agreed upon after the strike of

1922. I think, therefore, it is perfectly clear that the agreement according to which work was being carried on, was not an agreement of 1919 but an agreement certainly later than 1920.

The 1922 agreement, Sir, provided for certain hours of work and certain payments to the gang, and, as has been explained by Mr. Lockhart, the agreement in so far as it has been varied has been modified in favour of the workers. The agreement originally was for 11 men in a gang, and I believe that was also the position after the strike of 1920. After the strike of 1922, 11 men in one gang, one *sirdar* and 10 men, were accepted, but this number has since been decreased to 9, without any reduction in the amount paid to the gang, the payment remains the same as under the original agreement. I believe the overtime pay has also been increased from 2 annas to 3 annas. It is strange that to-day it should be alleged that the agreement of 1922 is a forgery; in fact, I did not hear before I came to this House to-day that there was this difference of opinion as regards the date of the agreement. It is true that in applications Government have received from the strikers reference was made to an agreement of 1919, but I personally thought that that was a clerical mistake. I now find that that is not so, but Sir, from the Report of the Committee, to which I have referred, it is perfectly clear that the agreement, according to which work was being carried on, was certainly not an agreement of 1919.

Now, Sir, the 1922 agreement, besides providing for hours of work and certain wages, also provided for 15 days' formal notice of a strike, and for all matters no dispute to be referred to an Arbitration Committee consisting of representatives of the steamer agents, stevedores and the workers. Government recived a letter from the Union threatening a strike and it may be the strikers meant it to be a formal 15 days' notice; I believe a similar letter was sent to the employers. But, Sir, it is not a formal notice of a strike, for all that it says is that if certain demands are not acceded to, by a certain date, the workers intend to go on strike. Again I have not heard it suggested to-day that any endeavour was made by the strikers to set up a Committee of Arbitration and I can only conclude that the strikers did not make any endeavour to comply with the arbitration clauses. Government certainly cannot countenance resort to direct action in a case where there is an agreement to which both employees and employers are parties, and when that agreement provides for arbitration proceedings unless arbitration has been formally demanded and has failed. Neither can Government countenance a strike which is called without the formal notice, required by the agreement, being given.

Now, Sir, what of the Union? The Union was formed early this year and it was registered early in March. According to the papers we possess it then had 291 members and the contributions from members during the year ending 31st March, 1934, amounted to the enormous

sum of Rs. 48-8: The Trade Union Act requires a statutory audit to be carried out; that audit was held in September. The auditor reported that no proper register of members nor any members' subscription register were maintained. Then, Sir, what of the executive committee of the Union? The Vice-President is one Badal Ganguly; he was convicted of sedition in January, 1933, and sentenced to three months' rigorous imprisonment. The Secretary is one called Sisir Roy; he was convicted in the Sarishabari Bomb Case in 1930 and sentenced to three years' rigorous imprisonment. There is also an official, called the Trustee; he is Mr. Niharendu Dutt Majumdar, and he has been convicted for making a seditious speech.

Dr. NARESH CHANDRA SEN GUPTA: On a point of order; the matter is *sub judice*.

The Hon'ble Sir JOHN WOODHEAD: I am only making a statement of fact and not commenting on the case. He was convicted for a seditious speech made at the Conference of the Union in April last. I quite realise that there has been an appeal by him to the High Court. The Union held its annual Conference on April 29th and we received a copy of the resolutions passed at that Conference. I will read out one or two of them. The first is—

(*a*) The Conference emphatically condemns the attitude of the Government of India for attempting to renew the Trade Disputes Act. In the view of this Conference the renewal of the Act benefits the employers inasmuch as its operation would place restrictions on the workers in their fight against capitalist oppression.

It is rather strange for a Union, which passes such a resolution to demand that Government should take action under the Act.

(*b*) This Conference calls upon the workers of Calcutta to demonstrate their solidarity with the workers of the world by coming out on the 1st of May with the slogans: "In defence of the Soviet Union of Russia and Soviet China."

(*c*) This Conference warns the workers of Calcutta against the Congress Corporation in general and the Chief Executive Officer in particular, who sought the help of the police to shoot down the scavengers employed by the Corporation who were on strike.

(*d*) This Conference urges upon the Government to release all political prisoners convicted under any law of the Government.

(*e*) This Conference further calls upon Government to release labour workers Philip Spratt, Muzaffur Ahmed, Shaukat Osmani, Dange, M. N. Roy and Ajit Das Gupta.

These persons were convicted in the Meerut and Cawnpore Communist Cases.

The communist flag has figured at all the meetings and the slogan shouted——

Mr. SHANTI SHEKHARESWAR RAY: May I ask if such a slogan is a crime?

The Hon'ble Sir JOHN WOODHEAD: The slogans shouted have been "Long live Revolution," "Victory to the rule of the workers," "*Lal Jhanda-Ki-Jai.*"

On April 29th the meeting at which those resolutions were passed the President hoisted the communist flag with ceremony and the volunteers marched past the flag wearing red sashes bearing the hammer and sickle emblem and saluted it amidst shouts of "*Lal Jhanda-Ki-Jai*".

On May 1st the slogan was "Communist Party *Ki Jai*" and on May 13th at another meeting a resolution was passed urging the dock workers to join the "Gandhi Boycott Committee" and at that meeting—I mention this as a matter of interest—one of the speakers condemned the *Amrita Bazar Patrika* for criticising the action of the Union in opposing the reception of Gandhi as communistic and said that the office and press of that paper should be destroyed. There is, I think, only one possible conclusion and that is that the Union is certainly under the influence of persons with communistic tendencies and ideas.

Government has been attacked for not taking action on an application made in August for the appointment of a Court of Inquiry under the Trade Disputes Act. What was the position at that time? The position was that, so far as we knew, the Union consisted only of 291 members. We knew that there was an agreement which had worked for many years and what were the demands then made by the Union? There were many demands, but the main ones were three or four. One was the reduction of the working hours from 7 a.m. to 5 p.m. to 8 a.m. to 4 p.m. with one hour's recess; that is, a reduction to seven hours a day. I might remind the members of the House that the Royal Commission on Labour in India recommended the normal working hours for dock labour should be nine hours. There was also a demand for an increase of pay from Rs. 12-8 to Rs. 16-8—practically an increase of 33 1/3 per cent.—for day work; and from Rs. 16-8 to Rs. 20-8,—an increase of 25 per cent.—for night work. There was also a demand for an increase in the overtime allowance from 3 annas to 4 annas, another increase of 33 per cent. And finally there was a so-called "general" demand that dock labourers should work five days in the week with a maximum of 40 hours a week, for a full week's wages.

The mere putting forward by certain persons of a claim for an improvement in working conditions cannot in itself create a trade dispute in regard to which Government would be justified in appointing a Court of Inquiry. Anybody can come forward and say "I want my pay to be increased by 33 per cent. and the hours of work reduced by 25 per cent." Such a claim certainly cannot by itself be accepted as an adequate ground for the appointment of a Court of Inquiry. That was the position in this case. We were not satisfied at that time that there was a genuine trade dispute; all the facts pointed to the conclusion that extravagant claims were being put forward on behalf of a certain number of coolies merely as a pretext for a strike.

Government's attitude as regards the strike has certainly not been one of mere aloofness. This strike has given us a lot of trouble and a great deal of anxiety. But we have always adopted the policy that it is much better that disputes between employers and employees should be settled by the parties coming together and discussing matters across the table, and if you read the Royal Commission's Report, you will find that that is the policy which they advocated. They attached far greater importance to settlement by negotiations between the parties than by the appointment by Government of *ad hoc* Committees of Inquiry. Certain endeavours have been made to bring the parties together but, Sir, these appear to have now reached a deadlock. The stevedores have announced that they are ready to investigate the grievances of the workers provided the workers go back to work. On the other hand, the workers are not prepared to go back until their grievances have been investigated. In order to assist in ending this deadlock and also to facilitate the opening of negotiations between the parties, I am prepared to give this assurance on behalf of Government that, if the strikers return to work and if, within a period of 21 days of such return, no settlement is reached between the employers and the employees, Government will appoint a Court of Inquiry under section 3 of the Trade Disputes Act to investigate the workers' grievances.

Mr. NARENDRA KUMAR BASU: It appears to me, after hearing the different speeches that have been delivered on this occasion, that a great part of the reasons of the present strike and of the present trouble is still dark. I have heard the speeches of my friend Mr. P. Banerji and Dr. Naresh Chandra Sen Gupta who gave one side of the picture. I have heard the speech of Mr. K. C. Ray Chowdhury with deep interest and, if I may say so, I have heard the speech of Mr. Lockhart with even greater interest, but what emerges from all these speeches is the stern fact that a large number of men have been on strike for over a fortnight and are going hungry. That is a fact that cannot be contradicted. I could very well appreciate the attitude of the ship-owners that they could not interefere in this matter, which is one of dispute

between the labourers and the stevedores. I could very well appreciate the attitude of Government in June or August last when they thought that the dispute was between 291 members of a suspected Union and the stevedores, but, Sir, what passes my comprehension is as to why during the last 17 days that the strike has lasted Government has not interfered. It is no use disguising the fact that even though Government were not satisfied in June or August that there was a genuine trade dispute, it cannot now be said that Government is not satisfied within the last fortnight that there has been a genuine trade dispute. Government must know that the people now out on strike are not the 200 odd members of a Dockers' Union but a number of 15,000 or 16,000 people, and to say that it is a dispute between the stevedores and their labourers and that the former are willing to consider the grievances of the workers if they go back to work, is, I submit, absolutely no ground for Government sitting idle. Speaking for myself I know nothing about the rights and wrongs of this dispute. I have seen what appeared in the *Amrita Bazar Patrika*, I believe, of yesterday or the day before—a signed letter of three stevedores giving their point of view. I have heard the point of view of the workers given by Mr. P. Banerji and also the point of view of the ship-owners given by Mr. Lockhart. But it does occur to me that the 15,000 workers did not go on strike and court hunger as a luxury. The mere fact that they have been on strike for over a fortnight has been a standing menace to the peace and tranquility of Calcutta, not to speak of its effect on trade. I submit that there is ample ground for Government taking action under the Trade Disputes Act. What does section 3 of the Act say? It says that if there is any trade dispute, the Local Government may refer the matter to a Court of Inquiry. It seems to me that in spite of his remarks about this Union, Sir John Woodhead and the Government of Bengal have accepted the resolution of the Union. The Union resolved that they will have nothing to do with the Trade Disputes Act and the Government of Bengal have refused to take any action. By their refusal to take any action under the Trade Disputes Act the Government have become members of the Union. I submit that in a matter of such grave public importance Government ought at once to step in and appoint a Committee under section 3 of the Act.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, at this hour of the day I have not taken my stand to inflict a speech after the Hon'ble Member from the Treasury Bench has given his reply, but I feel it my duty to say a few words in connection with the views expressed by my hon'ble friend Rai Bahadur Keshab Chandra Banerji which I find has been misunderstood by the members of the House. Of course, I shall deal with his speech minus his philosophy.

Although I have every sympathy with the strikers for removal of any of their grievances, I have to tell you frankly that I view "strikes"

with undisguised horror. As Chairman of a mufassal municipality I have to deal with labour, as a Director of the Dhakeswari Cotton Mills, Ltd., I am an employer of labour, in my private capacity as a business-man I handle them every day and the prospect of a labour strike has nothing but alarm from me. In spite of what has been said by the Hon'ble Member of the Treasury Bench, I do not think Government should allow the strike to continue longer and interfere to put an end to it.. In this connection I am happy to say that the "labour" look upon us at least in our part of the country in East Bengal, as co-partners in the same job. The East Bengal labourer is not landless and land means responsibility, so that they do not strike irresponsibly.

Mr. PRESIDENT: That has no bearing on the question before the House: You need not refer to it.

Rai Bahadur SATYENDRA KUMAR DAS: It is for this advantage that numerous cotton mills are being floated in East Bengal.

Mr. PRESIDENT: You are still pursuing that point.

Rai Bahadur SATYENDRA KUMAR DAS: While I want the strikers' sufferings should end, yet I feel that Bengal labour should find work here and earn good wages thereby saving the drainage of 120 crores every year. If our men can get work, a good amount of money will remain in Bengal and Bengal will be prosperous. With these words I support the motion before the House.

Mr. H. S. SUHRAWARDY: Sir, may I ask a question of the Hon'ble Member? If properly approached by the strikers as a whole—not by the Union—by the ship-owners and by the stevedores, will Government be prepared to try and appoint an Arbitration Board as contemplated in the agreement of 1922?

The Hon'ble Sir JOHN WOODHEAD: It is rather a difficult question to answer straight away. If I may repeat what I said, the position appears to be that the employers have definitely announced their readiness to investigate the grievances of the labourers after the labourers have returned to work. On the other hand, the labourers are determined not to go back until their grievances are redressed. We wish that the dispute should be settled by the employers and the employees across the table. In order to facilitate those negotiations Government are prepared to give the assurance that if the labourers return to work and if within three weeks after they go back the matter is not settled by negotiation between the employers and the employees, Government will appoint a Court of Inquiry under section 3 of the Trade Disputes Act.

As regards Mr. Suhrawardy's alternative suggestion, I feel he must allow me time to think about it.

The motion was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Mahub, Maulvi Shaik Rahim.
Banerji, Mr. P.
Basu, Mr. Barendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Nurul Absar.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Quasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Nocsul.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sulaiman, Maulvi Muhammad.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ashworth, Mr. C. R.
Bal, Babu Lalit Kumar.
Basir Uddin, Khan Sahib Maulvi Muhammad.
Benjamin, Mr. N. D.
Beathall, Sir Edward, Kt.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Burn, Mr. H. H.
Chaudhuri, Maulvi Syed Osman Haider.
Cohen, Mr. D. J.
Cooper, C. B.
Dutt, Mr. B. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Ferguson, Mr. R. H.
Gilchrist, Mr. R. N.
Gidding, Mr. D.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Hosain, Mr. F. T.
Hosain, Nawab Musharrut, Khan Bahadur.
Khan, Mr. Razaur Rahman.
Lockhart, Mr. A. R. E.
Martin, Mr. D. M.
McCluskie, Mr. E. T.
Mitter, Mr. C. C.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brajendra Lal.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mohanda Rahary.
Nag, Reverend B. A.
Nag, Babu Suh Lal.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Rahoem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Reid, the Hon'ble Mr. R. N.
Ray, the Hon'ble Sir Bijay Prasad Singh, Kt.
Ray, Babu Haribansa.
Ray, Mr. Sulleswar Singh.
Ray, Mr. Sarat Kumar.
Ray Chaudhuri, Babu Nem Chandra.
Sadaqatullah, Maulvi Muhammad.
Sarker, Rai Bahadur Bohati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. R. R.
Stevan, Mr. J. W. R.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

The ayes being 23 and the noes 55 the motion was lost.

Adjournment.

It being 4-30 of the clock, the Council was then adjourned till 2 p.m. on Thursday, the 13th December, 1934, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 13th December, 1934, at 2 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 99 nominated and elected members.

(In the temporary absence of the President and the Deputy President, Khan Bahadur Muhammad Abdul Momin took the Chair.)

GOVERNMENT BUSINESS.

The Bengal Workmen's Protection Bill, 1934.

Mr. D. CLADDING: On behalf of the Hon'ble Member in charge of the Bill, I rise to present the Report of the Select Committee on the Bengal Workmen's Protection Bill, 1934.

Special motions under section 78A.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, on the recommendation of His Excellency the Governor I beg to move that this Council approves the action of the Government in undertaking, in order to provide the capital required for the working of the land mortgage banks which have been or will be registered under the Co-operative Societies Act, 1912 (II of 1912), for the provision of long term credit to its constituent members, the liability involved in the guarantee of the interest on debentures of a total value not exceeding Rs. 12½ lakhs to be raised by the financing bank for the entire period for which the debentures are made current, the rate of interest for the debentures to be so issued during the succeeding 12 months being previously determinable every year by the Government before the issue of such debentures.

As I stated in my speech introducing the Agriculture Budget last March, Government have decided to establish five land mortgage banks as an experimental measure on co-operative lines in selected centres for the provision of long period capital on easy terms to agriculturists. Since then, these banks have already been started, and this motion is

now for the purpose of giving guarantee by Government to the interests on the debentures of a total value not exceeding Rs. 12½ lakhs to be raised for financing these land mortgage banks during the entire period of their currency. The rate of interest on the debentures to be issued from time to time will be determined by Government for every year and will depend on the state of the money market at the time. The lending rate to the agriculturists will depend on the rate on which it is found possible to float the debentures, while a certain addition will have to be made to cover the cost of expenses of these banks, contributions to reserve and sinking funds and the like. It will be conceded that the rates of interest which may be thus charged will not only be very reasonable, but will be much below the prevalent market rates in the province.

Then, Sir, as already stated, these five banks are by way of experiment, and if, as is hoped, they succeed, they will naturally multiply until there is at least one such bank for every subdivision.

With these words, Sir, I would commend the motion to the acceptance of the House.

Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I rise to question the Hon'ble Minister as to the principle that has been followed by him while selecting the site for the establishment of these banks. Some time ago when we saw that the two banks—one at Comilla and the other at Mymensingh—were established, we thought that it was a family affair and we should not question that. But now I see that other places have been selected for the establishment of these banks. I wonder how Birbhum has been preferred and not Bankura. People are whispering a lot of things in regard to the principle that is being followed so far as the establishment of these banks is concerned. Now, Sir, is it to pacify my friend, Mr. J. L. Bannerjee, that Birbhum has been selected? Generally, people expect that if a land mortgage bank is to be established it should first go to the headquarters of a division and we all thought that in Chittagong Division, Chittagong would be the place where a bank would be started. But we were quite disappointed when we saw an outlandish part of the country has been preferred. Then came the question of the Dacca Division. There also we were expecting that the headquarters of the division would certainly find a bank; and an experiment would be made in the Dacca district and through the Dacca districts the other districts also so that people might learn the work better. But, Sir, there also our expectation was not fulfilled. Then, when the Rajshahi Division was thought of, we naturally thought that Jalpaiguri would be preferred. Here also our expectation was not fulfilled. Next came the question of the Burdwan Division. There I see Mr. J. L. Bannerjee is fortunate enough to get one. Sir, Government exist for the benefit of the people and not for a few individuals. Sir, people are whispering a lot of late, in regard to the establishment of these banks. Is it not possible for the Government to change their mental outlook a little and

to think of the divisional headquarters first and then try to establish banks in almost every district in due course of time? Sir, there ought to be some basic principle in the selection of districts where banks should be established; and until that principle is laid down, this grant should be refused. However, be that as it may, as a compromise I should like to suggest that five more additional banks should be established in the headquarters of the five divisions of the province in addition to what has already been established. Sir, with the new capital that is coming for the establishment of the proposed banks it will be of immense advantage to all the divisions and all these whispers will at once disappear. As I have already said that I fail to understand the principle on which the selection is based, I have to oppose a motion like this. Might I remind you, Sir, that I am not at all opposed to the establishment of such banks, but I have to oppose the motion on the ground of principle and principle alone.

Sir, the condition of the people of the province is far from satisfactory. I will give you one or two illustrations. Take the condition of the people of my own district. Owing to the financial stress and strain, the economic condition of the people of Northern Bengal has come to such a pass that unless Government come to the rescue of all classes of people, the people will be reduced to abject poverty. I give you a case of one family with an income of Rs. 12,000 per annum. Unfortunately, that family was under the control of a lady. She has lost everything in the course of this economic depression and not a farthing is left of that twelve thousand rupees a year and that family is now in a destitute condition. The family now needs help from the charitable institutions. Sir, this would not have happened if a land mortgage bank were established at my place. Sir, I can multiply instances of such a case like this. Another family had a debt of Rs. 10,000 and the yearly income was about Rs. 1,500, but now owing to the same economic causes the entire property was at the point of sale. Just a day before my leaving Jalpaiguri that family came to me and said that, unless help would be forthcoming, like other families they would also be wiped out of existence. Sir my finance is very small, and it is not possible for one man to give relief to the hundreds of families that the coming to the verge of destitution due to the same economic causes. Sir, as I have already said, I can multiply instances that families after families are being ruined for want of help at the proper time. Sir, when such is the condition of the country, it is our duty to bring the matter to the notice of everybody concerned. Sir, land mortgage banks are being established for the relief of sufferers, but the districts which suffer the most are being shoved into the cold shade of neglect. This money is coming from the entire resources of the country—not from private capital, but from Government coffers. Sir, when this money is not coming from private capital, why should special favour be shown to those places from where the Government is coming? Sir, I would appeal to the House to consider this

aspect of the question and when they pass this motion and give this money, the Council should have the right of naming and dictating the policy of the department that is choosing the sites. In the beginning I asked the Secretary if there was any chance of a compromise in a matter like this, but when he told me that no compromise was possible, I had to speak out by mind. Now I suggest that Secretary should rise from his place and assure us that this 12½ lakhs of rupees should go to 12 districts and not to five districts only as is being contemplated. Sir, this money is coming from Government and not from private individuals, so we have a right——

(The member having reached the time-limit, resumed his seat.)

Dr. NARESH CHANDRA SEN GUPTA: Sir, the Council ought to be grateful to the Government for giving it an opportunity at long last to express their opinion upon the proposals for the mortgage banks. It is not something which is not come upon us suddenly. We know that it had been engaging the attention of Government long before the matter came before the Council. I am sure the members of this Council will greatly appreciate the kindness of Government in this matter. At any rate, I have to thank the Hon'ble Minister for bringing his proposals in the form of a resolution rather than in another form in which our discussion might have been cut down to a ridiculously low time-limit as happened in the case of the jute restriction scheme.

Sir, the question of land mortgage banks is not at all a new one. It was discussed long before the Banking Inquiry Committee sat and the Committee only supported the idea. There can be no question that the supply of long term credit on the mortgage of land has been a desideratum for a long time. But the Government, as is their wont, took their own time and woke up to the necessity for them—at the wrong moment—at a time when land mortgage with the values of land uncertain is a most risky business. Nevertheless, the thing has got to be attempted, though with adequate safeguards. We should have expected, we should have liked the Hon'ble Minister to take us into his confidence as to the exact scheme which has been formulated and on what basis and on what principles these banks are going to work and what are the chances of their success. How is one to know as to how land can be valued at the present day? In some parts of the country, especially the part I came from, there has been a great landslide in land values. Perhaps if the present economic distress continues, the value will go down further before very long. What is the basis of calculation of land values upon which this scheme is going to be worked? What are the debts in respect of which mortgages are to be given? There have been whispers—the whispers have not yet reached the Council—of a proposal for a debt conciliation scheme which the Government are considering. If that scheme is introduced, the debts are likely to be reduced considerably. But are

you going to introduce the land mortgage scheme without a debt conciliation scheme attached to it? Or are you going to pay the debts on their full value and taking land as the security? If you do so, you are heading towards disaster.

I should have thought that the Government should have worked out the scheme for debt conciliation as a part of and as incidental to this land mortgage scheme. I am not sure that they have not done so, but the Hon'ble Minister has not been communicative. Sir, it is quite possible for a party who brings in cash for the relief of the debtors, and he should be in a position to insist upon the debtors to agree to certain adjustments before the money is paid up. I do not know whether the land mortgage banks are going to do anything of this sort. Say a person has got a lakh of rupees to lend and he goes to relieve a certain debtor. That debtor wants one thousand rupees upon the face value of certain documents. The creditor before paying up has every right to insist on certain adjustments. Will these banks insist like any other creditors on such adjustments being made before a loan is advanced with which to repay creditors? Will it be safe to launch a land mortgage bank scheme without these things being taken into consideration?

Sir, I should like to know what the Government have done about this.

I may say at once that I am not an unfriendly critic of this land mortgage bank scheme. But I want information which has not been given to us. We have got to see that these twelve and a half lakhs of rupees which will be borrowed on debentures does not go into the sink and is not absorbed by the money-lenders who are now in despair about getting their money, and that this money is utilised for the purpose of revivifying the economic life of the province. I should have liked Government to tell us with greater precision the exact land which has been taken to ensure that.

I hope that it will be possible for the Hon'ble Minister to give us an assurance to that effect. It is true that twelve and a half lakh of rupees does not come out from the coffers of Government, but nevertheless it will be the money of the debenture-holders who would advance the money not on the credit of Government—Government would only guarantee the interest—but on the implied assurance of the Government about the soundness of the investment. Therefore, the responsibility of the Government is no less than if the money had come from the pockets of the tax-payer direct. Because of that the utmost precaution should be taken. I only want to utter this warning and ask for information.

Khan Sahib Maulvi MOHAMMED BASIR UDDIN: Mr. Chairman, Sir, I beg to support the motion which has been moved by the Hon'ble Minister. The land mortgage banks will go a great deal in relieving the distress of the agriculturists in the province. But the five land mortgage banks, which have been started, I should like to say, are

quite insufficient. I hope the Hon'ble Minister will try his best to establish more banks in the rest of the districts in the province very shortly. I would also request the Hon'ble Minister to establish a land mortgage bank at Naogaon on the same footing as the five land mortgage banks which have already been established, as, I think, it would enable the lowering of the present rate of interest and would relieve the agriculturists of the area who have been affected very badly by the reduction of the area under *ganja* cultivation, and also owing to the present economic depression and the cultivation of *ganja* in Bihar. With these words, Sir, I do support the motion.

Babu JATINDRA NATH BASU: Mr. Chairman, Sir, I have followed the debate carefully so far as the last speaker is concerned. He supported the motion brought before the House by the Hon'ble Minister, but as regards the two speakers who preceded him, it is difficult to make out whether their attitude was one of support or of opposition. So far as Nawab Musharruf Hosain is concerned, his grievance appears to be this: that there should be a land mortgage bank at the headquarters of every division instead of in the different places which are mentioned in the memorandum circulated to the members of this House, viz., Mymensingh, Tippera, Birbhum, Pabna and Jessore. There are some statements in the memorandum to which I desire to call the attention of the House. The Co-operative Department, it is stated, has already undertaken an intensive survey with a view to determining the actual economic condition of the cultivators—their debts and their credits, and their paying capacity for paying off debts. This survey has been completed by many of the central banks in respect of their areas. It is after this careful survey that the scheme for establishing their banks, in the first instance, in different places has been adopted. Banking, as my friends must understand, is a very delicate economic machinery, and Dr. Naresh Chandra Sen Gupta should have understood that the co-operative movement has been in existence in this province for nearly 22 years; and any effort for the spread of that Government is only undertaken after the most careful investigation, especially having regard to what has happened in the course of this period in consequence of the experiments that have been undertaken. So far as these land mortgage banks are concerned, they are out in the districts. They receive applications from mostly small holders. The Nawab Sahib has given instances where large proprietors or landholders have been in need of money. If Government have to find money for these people and also for those engaged in commerce and trade, then Government would have to take in hand the very big banking system that prevails in this country. What I believe the object of Government to be is to help small holders, who have very few persons to look to for supporting them. It is they that suffer most; they hold small holdings and are in debt and require relief. Such of

them as are in insolvent circumstances find that their assets are below the value of their debt. It would be difficult for the new land mortgage banks, or any other banks, to help them. The fact that they have got into insolvent circumstances shows that the land mortgage scheme, in order to succeed, should deal with only those who are careful and who do not borrow in excess of their assets. It is in a very early stage. And any risk undertaken is likely to injure the scheme permanently. There are, no doubt, special difficulties in Bengal, owing to the special nature of our land-tenure system—difficulties that do not exist in the *raiyatwari* tracts—say, of Madras. But, in spite of all these difficulties, there is no trouble in ascertaining the title of a small holder to his land, with a view to finding out even in these times of depression as to what the value of his holding is and what is the extent of the advance that may be made on the security of that holding. For that purpose special officers have been appointed to investigate carefully every application that comes up before the land mortgage banks. These officers submit their reports and then investigations are made from the register of deeds, because under the law of this country every deed dealing with land must be registered and the records with the Registrar of Deeds should disclose as to whether there are any existing encumbrances on the land. These are facts that have been taken note of and after these investigations the matter goes up before the land mortgage bank established in the country districts; they then check the information and make their investigations if necessary and after they collect a certain number of these applications amounting to altogether, say, a lakh of rupees, they forward these applications with a recommendation to the provincial bank for the purpose of raising debentures at reasonable rates of interest, so that the money may be made available to the small holders. That, Sir, is the procedure adopted everywhere and that is the procedure, so far as we are aware and so far as we can understand from this memorandum, has been adopted by Government. It is a safe and sound procedure which is adopted in ordinary business. One thing has got to be remembered, viz., that Government is not advancing the money; the money is not coming from this 12½ lakhs, for which Government is becoming the guarantor and it does not come out of the pocket of anybody. There will be this security with a margin left and the banks which take that security will see that the margin is not exceeded and the borrower will be expected to go on paying interest; but if he does not pay one or two or a certain number of instalments, the margin becomes diminished and steps should then be taken at once with a view to realize the advance. In that way, if the rate of interest is reasonable, the cultivator in Bengal is likely to be in a position to go on paying the very small instalments and so within a certain number of years the entire debt will be repaid. One of the principal features of the land mortgage scheme is that the period of repayment is not one or two years, but will extend to 20 or 25 years:

so that from the point of view of the investor in these debentures, he will have something like a trust security, which will be yielding an income for a definite length of time. That will attract investors at comparatively low rates of interest and will help the cultivator, inasmuch as he will have to make only small payments with a view to discharging his debt. These are the principal features of the scheme that have been put forward by Government.

In Madras, the Government there has gone much further; they have helped the cultivators not only by establishing land mortgage banks, but they have recently—you must have seen in the newspapers—been trying to establish new industries and new lines of agriculture, such as the cultivation of sugarcane on a large scale with a view to help the cultivators; and their idea is to get the provincial bank to finance the establishment of big factories—in fact, one factory costing as much as about Rs. 12 lakhs is going to be established for the manufacture of sugarcane. These are things which bring in new assets to the cultivators of the province. It will be a great gain and an example to follow. Our Government is not asking for any such big thing as that; the only thing that it asks for is to guarantee the payment to the debenture-holders and that only to a limited extent, viz., 12½ lakhs, and that too not extending over one but several years.

Khan Bahadur A. F. M. ABDUR-RAHMAN: Mr. Chairman, Sir, I beg to support the special motion just moved by the Hon'ble Minister. Sir, by introducing the scheme of the land mortgage banks in the province of Bengal, the Hon'ble Minister has done a great service to the province. So long the problem of rural indebtedness was tackled by the rural co-operative societies by supplying short term credit on the basis of the unlimited liability of the agriculturist. But it has been found that only short term credit will not be of much avail to the people. Sir, in order to solve this problem five land mortgage banks on the lines of Madras have been started in different districts of the province on an experimental basis just to see how it functions.

Sir, after seeing the working of the land mortgage banks in Madras, it is my firm belief that if the land mortgage banks are worked on the right line, they will be of incalculable help to the people of this province. Sir, in comparison with the rate of interest prevailing in other provinces, the rate of interest charged in our province is rather high. The present Registrar of Co-operative Societies is doing his best to reduce the prevailing rate of interest and in many cases he is successful and for which he deserves our sincere thanks. Sir, unless the rate of interest to be charged from the land mortgage banks is substantially reduced, we don't think we can give to the people the desired relief. In the existing state of things the rate of interest of the land mortgage bank can only be small if Government is pleased to

guarantee both the principal and interest as has been done in the case of Madras. Government guaranteeing both principal and interest, we think we shall be able to sell the debentures of the land mortgage bank at a rate varying from 4 to 5 per cent. and we shall be able to issue loans to the individuals at 1 or 2 per cent. higher than the rate to be paid to the debenture-holder. Sir, in order to make the working of the land mortgage bank of our province successful, we have recommended certain concessions through the Bengal Provincial Co-operative Bank. I mention only some of the most important ones here:—

The Local Government to guarantee both principal and interest of these debentures and the Government of India be moved to undertake the necessary legislation so as to convert these into trustee securities by the amendment of the Indian Trusts Act, 1882.

Legislation to be undertaken for the purpose of the necessary amendment of section 26 of the Bengal Tenancy Act, especially sections 26D to 26F, so that in case of voluntary or involuntary alienation in favour of or at the instance of the land mortgage banks, these sections will have no application whatsoever; in other words, no landlords' fee will be payable in case of a transfer in favour of or at the instance of the land mortgage banks, and the landlord will have no right of purchase in such cases.

Legislation to be undertaken that, in case of a mortgage in favour of a land mortgage bank, the mortgagor will not have any further right to mortgage or charge, either wholly or in part, his equity of redemption. A sub-lease may be made, but it must be limited to a term of years, say five years.

The Government of India do exempt the income of the land mortgage bank debentures from income-tax.

The Government do permit that the deeds, evidencing transfer of debentures of the land mortgage bank, whether to members or non-members, be exempted from stamp duty.

The Government do make the necessary amendment of the Government Servants' Conduct Rules and permission be granted to them for investment in land mortgage bank debentures.

The Government do grant free encumbrance certificates for 24 years as has been done in Madras, and for exemption from registration and audit fees for a number of years.

The primary and the central land mortgage banks to be supplied with necessary copies of settlement register and village maps free of cost.

The Government do permit the local and district boards and municipal councils to invest a part of their provident funds and funds not immediately necessary in the debentures of the land mortgage banks.

Sir, we hope and trust that Government will grant these concessions to the land mortgage banks of our province at an early date.

We think that the scheme of the land mortgage bank launched by the Hon'ble Minister will go a long way to rehabilitate the economic conditions of the province which are but balanced on these days on account of the heavy fall in the price of the agricultural commodities of the people.

There is a great demand for land mortgage banks everywhere. We wish that the Hon'ble Minister will gradually introduce land mortgage banks in every subdivision as has been recommended by the Royal Commission on Agriculture.

Mr. P. BANERJI: I need hardly congratulate the Hon'ble Minister as almost all the members who have spoken have congratulated him except the Nawab Sahib. But we know that two of the same trade can never agree and as the Nawab Sahib has tabled a motion, naturally he will oppose it. There is, however, at least one consistency that nowhere in the headquarters have these banks been started. All the five banks have been started in the five divisions. Therefore, on that point the Minister is consistent. Now, Sir, I fail to find what is the confusion about. This is a welcome proposition and it was long overdue. Madras did it and about two years ago I myself brought this matter before this House that land mortgage banks can be started on the lines of the French land mortgage banks; such banks have also been successfully started in Egypt. Mr. Basu, the President of the Provincial Bank, of course pointed out certain difficulties, but I do not find any difficulty whatsoever. Dr. Sen Gupta also suggested certain difficulties. It is of course an experiment, but there was an apprehension that this experiment might fail. But even if it fails, we again experience, but I say that it cannot fail for the simple reason that we must profit by the experience of other countries that have started such banks. The Hon'ble Minister has been successful in wresting 12½ lakhs only from the Government, but considering that 85 per cent. of the people in this country are agriculturists, I say that this amount is but a drop in the ocean compared with their needs. We know that in England in 1928 similar credit banks for agriculturists were started and with what result? The treasury undertook to buy debentures to the value of 7 crores; that is the position in England now and the scheme is working successfully, and the shareholders of the agricultural bank that was started in 1928 are so many prominent banks, among them being the Bank of England. I can mention some of the names: the Bank of England, Barclay's District Banks, Lloyds Bank, the National Provincial Bank, Westminster Bank and so on. These big banks are the shareholders of the agricultural bank. So far as I have understood from the short description that has been given by the Minister, banks

will be floated only and debentures will be guaranteed and they will be backed by the assets of the agriculturist land. There is an apprehension by some lawyers on this point, but after the passing of the new Bengal Tenancy Act there is no such apprehension. These agriculturists now have in many cases their own land and on that alone we were afraid of advancing money, but we forget that by advancing money to the agriculturists the position will be that merchants, lawers and *zemindars*, who are so much afraid of the agriculturitsts being in affluent circumstances, will be benefited, because every one is looking forward to the price of jute going up. If the price of one commodity goes up, every one is benefited. So it is our duty to see that these agriculturists are helped.

The Hon'ble Minister has not suggested what the rate of interest should be. He has suggested that the rate of interest should be reasonable or much below the prevailing rate, but we expected that he would make some definite declaration at least for the first year. One of my friends suggests that it should not be more than 12½ per cent., but I consider that to be too much. In England the bank advances money not only against landed property but also against the stock-in-trade and other assets. What is the security then? They are advancing money absolutely without security and there payment is spread over 50 to 60 years; supposing an agriculturist takes a loan of £100, it will be repaid in 60 years and he has to pay only £2 half-yearly; in this way they will go on paying—they have a schedule for this—for 20, 30, 40, 50 and 60 years and automatically the whole loan is redeemed. So if that procedure is followed here, there will be no difficulty. Of course, on one side, the interest will be guaranteed by Government, but what about debentures? Many companies will float debentures on first, second and third mortgages but without mortgage even some debentures will also be floated, but here a lot of money will be deposited in the shareholders' bank, and it is natural that people will have confidence in these banks. I fail to find how comes the question of security in particular. Even to help the argriculturists we must lend to them without security only on their business assets or crops. Our forefathers, our fathers advanced money for the purchase of Government paper, but what is the result to-day? They paid Rs. 100 for each paper which has gone down very badly of late and at one time they had gone down from Rs. 45 to Rs. 5, but who has suffered from this loss? It is we who are suffering, and on what account? But in this case there will be no loss whatsoever if we consider the matter in that way.

With these words I consider this motion as a step in the right direction and congratulate the Hon'ble Minister.

Mr. SHANTI SHEKHARESWAR RAY: I would like to examine this matter from the constitutional aspect. I am not going

to express any opinion about the merits of establishing land mortgage banks. But the point I want to raise is this. Whether it is within the province of the Local Government to incur any liability as suggested in this special motion. There are two points: if we consider it as a banking proposition, I would like to point out that it would be a Central subject, a subject fit for consideration in the Indian Legislative Assembly and by the Government of India. In that case it would not be within the power of the Local Government to deal with the subject at all. Even if it were within their power any measure of this nature requires the sanction of the Governor General and I believe, to a certain extent, of the Secretary of State for India. So far as the power of the Local Government is concerned, it is my opinion—I am not a lawyer—that the Government of Bengal should examine that point thoroughly, before it is too late, whether they can proceed in the matter at all. According to the present constitution, they can raise a loan on the security of the provincial revenues. According to the present constitution, they can raise a loan on the security of the provincial revenues. To that extent it would be lawful for them to proceed, but so long as the present constitution is not changed, there is no provision for incurring any liability. I would like to point out the distinction between an ordinary liability and an indefinite liability of this nature. You have no right to make the provincial revenues committed to such an expenditure. When you raise a loan, you have got to make a provision for the repayment of that loan as well as the interest charges. There the liability is fixed, and that is within your power. But here you do not raise the loan, but you are going to shoulder a liability, and there is no provision under the Act whereby you are allowed to shoulder such a liability. Sir, this is all that I have got to say on the subject.

Mr. J. D. V. HODGE: It is evident from the course of the debate that as regards the principle of this measure, it has the warmest support of all sections of the House; but in the course of the speeches some subsidiary points have been raised, and with your permission, Sir, I will endeavour to explain a few of these points. Several of them have already been very lucidly explained by Mr. J. N. Basu and Mr. Banerji, and I will confine myself to the outstanding points. The first was the location of the banks. It is obvious at the outset that they have been fairly distributed over the province, one to each division. It has been suggested that they should have been at the headquarters station of the divisions, but there is no special virtue in the headquarters station of a division, and in fact it might be argued that these headquarters had already had more than their share of privileges. It is always difficult to choose one out of from 5 to

8 districts for a special purpose like this, and naturally the population of the other districts are disappointed when they are not chosen; it is very gratifying that they should be. As a matter of fact the choice was not made haphazardly; it followed a careful review of the position by the officers of the Co-operative Department who were guided almost entirely by the success with which the people of the various districts, particularly the non-officials, were working the existing co-operative institutions. Where they were found to have understood them well and to have worked them with enthusiasm, those places were chosen for the establishment of the new land mortgage banks.

A series of questions were asked regarding the safeguards attached to these banks.

(At this stage, Khan Bahadur Muhammad Abdul Momin vacated the Chair which was taken by the Hon'ble the President.)

I expected the criticism would be the other way round. I thought Government would be accused of putting in too many safeguards, and making it too difficult for the middle-class people who require money to get their loans. In the matter of safeguards, I can assure the House that the model by-laws which have been drawn up provide ample safeguards. I will not tire the House by going through them one by one, but I may mention as examples, firstly, that the individual bank's power of borrowing is limited to twenty times the paid-up value of its shares, *plus* the reserve fund. The individual's power of borrowing is restricted to 50 per cent. of the value of the mortgaged land and also to 75 per cent. of the value of the agricultural produce for the period of the loan. The mortgage will be charged in favour of the provincial bank, and by the provincial bank again in favour of the special trustee who is appointed to watch the interests of the debenture-holders. It would not be fair at all to say that there are not sufficient safeguards.

I think, Sir, there is no need for us to say more. If, as I hope, I have been able to explain the outstanding points to the House, I am confident that they will endorse the policy of Government.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I accord my whole-hearted support to the motion. At the outset, I desire to say that I am not an expert constitutionalist and, as such, shall refrain discussing the question from the constitutional standpoint, as my friend Mr. Shanti Shekhareswar Ray has done. The Hon'ble Minister is to be complimented, instead of being criticized, for the way in which he has been tackling the question. Nawab Musharruf Hosain has taken exception to the selection of particular areas for the establishment of land mortgage banks. Sir, it is quite clear

from the introductory remarks of the Hon'ble Minister that the ultimate object of the scheme is to establish one such bank in each subdivision. I think we should give the Hon'ble Minister an opportunity to work the scheme. An humble beginning has already been made, and I do not think impatience will serve any useful purpose. Instead of criticizing the Minister, I think the House should unanimously vote for this motion. Look at the time and labour the Hon'ble Minister has devoted to evolve a solution of the problem of rural indebtedness. Just imagine for a moment what it means to squeeze out money from the department over which Sir John Woodhead presides. Anybody who had an occasion to deal with the Finance Department knows very well how difficult it is to induce them to sanction money, however laudable the object may be for which it is required. Dr. Sen Gupta said that until the scheme for the solution of debts materializes, no useful purpose will be served by this scheme of the Hon'ble Minister.

Dr. NARESH CHANDRA SEN GUPTA: On a point of personal explanation, Sir, I never said that.

Rai Bahadur KESHAB CHANDRA BANERJI: At least that is the impression I have had. However, I stand corrected, Sir.

If it takes a long time to establish the Conciliation Board, well there is no point in the argument that the scheme should not be proceeded with. Mr. P Banerji has said that the *zemindars* are afraid for the tenants becoming prosperous. I do not know how he formed that opinion. The *zemindars* as a class will be glad if the condition of the cultivators improves.

Sir, I have nothing more to add to what I have said, but I must again thank the Hon'ble Minister for the trouble he has taken, and I hope he will take into consideration the question of establishing similar banks for the landholding classes.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I must congratulate the Hon'ble Minister on his having been able to secure this money from the Government. One who has had any concern with Government affairs knows full well how difficult it is to secure even a single rupee from the Finance Member. As my friend the Rai Bahadur has already pointed out, he has been able to secure money from the Hon'ble Sir John Woodhead—with what difficulty we can well realize—for this laudable object, and I cannot but express my sincere congratulations to him. In this connection it has been proposed that the rate of interest should be 11 per cent. I think it is rather high. The ultimate object is to ameliorate the condition of the tenants. If an interest of 11 per cent. is charged,

I do not think the object can be achieved so successfully. Last year I think we passed in this Council the Bengal Money-lenders Act of Khan Bahadur Azizul Haque (now an Hon'ble Minister). There is a provision in that Act to fix the rate of interest for secured and unsecured loans. So far as I remember 10 per cent. was fixed as the maximum rate of interest for secured loans. Here it has been proposed to raise that interest to 11 per cent. I think even from that point of view the rate of interest is rather high.

Sir, I was sorry to hear the observation made by my friend, Mr. Banerji about the relationship between the tenant and the landlord. He said that landlords did not like to see their tenants prosper. Sir, that is not the fact. The prosperity of the landlord depends entirely on the prosperity of the tenant, and it is the duty of the landlord to do whatever he can for the prosperity of the tenant. The landlord always looks forward to see his tenants prosper. Sir, I do not know how he has formed that idea. It might have been a slip of his tongue.

With regard to Nawab Musharruf Hosain's remark about the location of the banks, I may say that it is desirable to have them in the districts and not at the headquarters of a division. From experience, I can say that the provincial bank at the headquarters of the province does not require much money, but a district co-operative bank always requires it. This shows that a bank should be established not at the headquarters of a division but preferably in the subdivisions. We are trying to alleviate the distress of the tenants, and it would be very difficult for the tenants to come to the headquarters of a division for taking a loan. Thus, the bank will also not be utilized to the fullest extent as it should be if it is situated at the headquarters of a subdivision.

Once more, I congratulate the Hon'ble Minister, but I would like to ask him to see that the rate of interest should be lowered and that more money should be raised for this purpose in future.

Babu JITENDRALAL BANNERJEE: The Rai Bahadur has paid a compliment to the Hon'ble Minister, and I should like to join in that compliment, but should not like to base my compliment on such a wrong basis. The Raja Bahadur has said that the Nawab Sahib has managed to squeeze out Rs. 12,50,000 from the Hon'ble Finance Member. In point of fact, in spite of all his wiles, the Nawab Sahib has not succeeded in squeezing out even a single pice from Sir John Woodhead. Every single pice of this amount will come out of the pockets of the debenture-holders, not a single pice out of the coffers of the Finance Department. Even, there is no question of promise here. The Hon'ble Finance Member has made

a promise, a promise which he most probably will not be called upon to fulfil. (A VOICE: This is only for the purpose of security.) Yes, but no actual money out of their pockets. Dr. Naresh Chandra Sen Gupta has assured us that he was not an unfriendly critic of the measure. The double negative was rather perplexing. He wanted us to think that he was a friend of the measure. If that is so, he has succeeded in masking his friendship very carefully. He said that the scheme had come at a very wrong moment. Why? Because there is the landslide. It is perfectly true, but it is rather unfortunate for the poor debtors. But what was the remedy? Is it suggested that the Hon'ble Minister should have waited so that the land values might still further come down till there was no price left on the land? If that was the remedy, then it was much worse than the disease itself. As for the rest the whole speech was caution, caution, caution. The Hon'ble Minister should be as cautious as Dr. Naresh Chandra Sen Gupta would like him to be. He is much more cautious than he ought to be.

As regards Nawab Musharruf Hosain, perhaps he did not intend to be treated seriously. I do not think he is serious. Nobody ever takes him seriously. In any case the rest of the Council had enjoyed some fun at his expense. One of his grievances was that no land mortgage bank was going to be established at Jalpaiguri. If a land mortgage bank were established there, what would become of the Nawab Sahib's occupation? The rival bank would ruin him altogether. Therefore, instead of finding fault with the Minister he ought to have been thankful to the Nawab. He said, one of the motives of the Hon'ble Minister in establishing a bank at Birbhum was to placate men like myself. If he really thinks that the object of establishing a bank at Bankura is to placate myself, he is sadly disappointed. The bank has been established within the Sadar subdivision of the Bankura district, but unfortunately I come from the Rampurhat subdivision which will not be benefited by the operations of the bank at all. The Nawab Bahadur ought to have added to the comprehensiveness of his knowledge a little precision about geographical facts. It has made a very modest beginning, but some beginning had to be made somewhere and it is time that the beginning should be made now. I hope that the Hon'ble Minister will be successful in his object.

The motion was put and agreed to.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I beg to move that this Council approves Government's proposal to advance the cost, to be recovered from the Wakf Fund when formed, of a Special Officer and necessary staff which Government propose to

appoint to make a survey of Wakf properties existing at the date of commencement of the Bengal Wakf Act, 1934, with a view to estimating the extent of the income which is likely to be derived from the contributions payable under the Act and the rate which should be fixed for such contributions.

Sir, the members of the House are aware that in February last the Hon'ble Khwaja Sir Nazimuddin moved section 2 of the Bengal Wakf Act by which the Local Government is to advance for the time being the amount of expenditure which is to be incurred in meeting the cost of a Special Officer to be appointed to collect statistical data and to find out what fraction of it should be imposed on the *wakf* estates as a levy. This advance is to be repaid from the Wakf Fund when constituted. It is absolutely essential in view of the strong feelings amongst the Muhammadans that immediate steps should be taken to appoint the officer, but Government are in difficulty in meeting the expenditure concerned. I have therefore come forward at the earliest opportunity to bring this motion for the sanction of the Council with a view to meeting this expenditure. We have already taken steps in carrying out the preliminary data and as soon as this motion is passed, further steps will be taken in putting those sections of the Wakf Act into operation by which it would be the liability of the officer who would for the time being be called the Commissioner of Wakfs. I do not think anything further is needed from me to press for the acceptance of this motion. I only express my desire that as soon as the motion is passed, steps would be taken to see that the statistical data are collected.

Mr. A. RAHEEM: Sir, may I ask the Hon'ble Minister a question? I want to know what the approximate cost for getting this information will be.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It would be roughly about Rs. 8,000 per annum. It comprises the pay of the Special Officer, and a few clerks with their travelling allowance.

Maulvi TAMIZUDDIN KHAN: Sir, I congratulate the Hon'ble Minister on the early opportunity he has taken in trying to enforce the Wakf Act which has already been passed. We know that many of the Acts passed in this Council are now dead letters, and unless the Executive were up and doing, this Act also was in danger of being a dead letter. Every one knows that a good deal of feeling was roused throughout the province so far as the Mussalmans were concerned for this legislation, and the passing of the Act has given universal satisfaction to the Mussalmans of the province. It is a

right step that the Hon'ble Minister has taken in asking for the sanction of the Council to the proposal he has just now made. The proposal is an innocuous one. The money will be advanced by Government, but will be recovered from the Wakf Fund when that fund has money enough for the purpose. I think he has taken the right step and the House will accept the proposal. I only wish that the matter will be expedited. Although the Hon'ble Minister has taken an early step, we are still afraid of official red-tapism and I hope that the Government as a whole will be sympathetic towards this question and the proposal will materialise in no time.

Dr. NARESH CHANDRA SEN GUPTA: Sir, there was a newsboy who once made a suggestion to a worried editor who found his jokes not understood that it would be best to label the jokes as "jokes". I think I should have similarly labelled my speeches in this Council in order to make it intelligible to some of the members of this House whether I am supporting or opposing a measure. Well, I am supporting this resolution. A man may, however, support a resolution and point out things in it which deserve attention and consideration, and when such attempts are made the hon'ble members should not run away with the idea that there is going to be an opposition or adverse criticism, and any pretence of sympathetic criticism is dishonest. Mr. Tamizuddin Khan has said that this is a very proper thing which the Hon'ble Minister has started. I only wish that he could have got the Government released from the stigma of meanness involved in recovering the money from the Wakf Fund. When a legislation has been passed by this Council and the Government finds that it is necessary to make a survey before they can put this Act into operation and to consider whether it would be worth while to put this legislation into operation, I think it is only fair on the part of Government to come forward with the money to pay for the inquiry. Generally speaking, the attitude of every one of us is in favour of this motion, for we must not be looking a gift horse in the mouth and therefore we must even accept this motion.

Maulvi ABUL QUASEM: Sir, my first words on this resolution will be words of congratulations to the Hon'ble Education Minister who has moved this resolution. We all expect that with characteristic vigour and energy he will see that every provision of this measure is put into operation as early as possible. We are told that a Special Officer is going to be appointed with a few clerks, but I should have liked the Hon'ble Minister to have told the House how this officer would be working to collect the necessary data. When the Bill was passed, we had an idea that the necessary preliminary survey would

be effected by Government through the agency of Collectors, Subdivisional Officers, and Circle Officers. I do not know if that idea has been abandoned and whether the Special Officer will go from place to place and collect information. I do not know whether the officer will be a stationary officer or a peripatetic officer. This piece of information will be very much welcome to us. But in whatever way the work is done, we hope that it would be speedily accomplished and the least possible delay allowed to occur to make the necessary survey. The Moslem community eagerly expects that not a day should be unnecessarily lost in bringing into operation the provisions of this Bill, and in effectively stopping the waste and misappropriation of Wakf Funds which is going on from day to day.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I am deeply thankful to the members of the House for their kind words of appreciation in my bringing forward this motion. I can explain one or two material points which have arisen in the course of the debate. As regards the nature of the help which the Government is prepared to give in connection with the collection of statistics, I may say for the information of the House that the entire cost of collecting the statistics is to be a charge on the Wakf Fund. Government have already appointed an officer who is busily engaged in preparing the preliminary data, and to that extent at least three months' cost will be a charge on the Education Department. In the meantime we are taking steps in the Registration Department to find out whether through that department some amount of statistics might not be collected. Sir, I might also, for the information of the House, state that at least in one district information on an elaborate scale has been collected as regards the *wakfs*.

Then, as regards the point raised by Maulvi Abul Quasem as to how the Special Officer is going to work, I might state that it would be suicidal to stick to any definite plan of work in this matter. We have to collect statistics from Collectors, Subdivisional Officers and also from the Registration Department and the officers of the Education Department, and we do not know how quickly or how late these informations could be collected. Therefore, it would be a mistake to depend on one agency, but I can assure the members that whatever agency we can get will be utilised for the purpose. If we can get information quicker from District Magistrates, they will certainly be written to to collect the statistical data; but if the information can be more speedly obtained from other sources, for example from the union boards and their presidents, the latter too will be addressed. For the present, we are very busy in carrying on the preliminary work. I may tell the Council that as soon as this money is available—I hope it will be in the course of a fortnight—Government would be in a position to decide as to how to

carry on this work. If my friend puts a question in the next session, I shall be able to enlighten him as to how the work has been carried on and give him a report of progress done in regard to this work. With these observations, I beg to place the motion before the House.

The motion was then put and agreed to.

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Alluvial Lands (Amendment) Bill, 1934.

Clause 2.

Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 2(4) proposed sub-section (5) (c) of section 3 be omitted.

Sir, my reasons for making this amendment is that clause (c) is included in clause (a). In section 3 of Act X of 1892 it is distinctly stated that the Government will be entitled to a management charge not exceeding 5 per centum per annum for management of private estates except the cost of any special staff where required. Accordingly, the provisions in clause (c) are already included in clause (a); and if the amendment as it stands is passed, the position will be that these clauses being independent clauses, 5 per cent. will be charged under the Act X of 1892 in clause (a) and as the 5 per cent. charge under clause (c) comes independently of any statutory provision, that charge must also be levied, so that the cost of management will amount to 10 per cent. which is never the intention of this section. On these grounds, Sir, I commend my motion to the acceptance of the House.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, I rise to support the amendment which has been so ably moved by Mr. Mullick. As the law stands, in the proposed Bill it has been pointed out that after the release of an estate which has been taken over by Government, the Collector will return the money that has been realised from the estate. In doing so, he will deduct the rate leviable under the Government Court of Wards (Amendment) Act and also the cost for a special staff. This is reasonable.

There is another item in the proposed clause, viz., that where no special staff is employed for collection, a sum not exceeding 5 per cent. of the actual collections will also be deducted. I cannot understand why Government are anxious to deduct 5 per cent. without

incurring any cost. If a Special Officer be employed, we are ready to pay the whole cost, together with the collection charge; but why are the Government, without incurring any cost, anxious to deduct 5 per cent. for a Special Officer without appointing any? On the other hand, the Government can utilize the money that has been deposited for which they will not have to pay any interest even at the current bank rate. The Government will thus be gaining by that way and even with such bargain they are now proposing to make another deduction for imaginary cost. I, therefore, fully support the proposal that sub-clause (*b*) of clause 2(*4*) be deleted, so that Government will be able to deduct only the maintenance charge and the cost of a Special Officer if engaged.

Mr. SARAT KUMAR ROY: Sir, in view of the fact that provision is being made in the early part of this section for realising not only the expenses incurred by Government and recoverable under the Government Management of Private Estates Act, 1892, but the cost of special staff as well, when any such is appointed, I think the provision for deducting any further 5 per cent. on the collection is not only unnecessary but unjustifiable. It is not clear as to how the amount so deducted will be applied. Unless a clear case is made out showing the need for such further deductions and the insufficiency of what is provided by the Act of 1892, I cannot support it. I therefore think that the last clause should be omitted and so I support the motion.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I am afraid hon'ble members are under a misapprehension. The gist of the argument of the mover of the amendment, Mr. Mullick, is that clause (*c*) is included in clause (*a*). If hon'ble members will turn to section 3 of the Government Management of Private Estates Act, 1892, they will find that clause (*c*) is not included in (*a*); (*a*) is the cost of all Government establishments in so far as they may be employed in the supervision or management of such estates other than establishments especially entertained for the supervision or management of any particular estate or a group of estates. Thus, clause (*a*) does not include the cost of a special staff. The Government Management of Private Estates Act contemplates a rate of 5 per cent. *plus* the cost of special establishment, and the provision in the Bill is nothing more than that. In (*a*) the rate leviable under the Government Management of Private Estates Act is 5 per cent., but it is not the whole cost. Section 3 says that the rate leviable shall not exceed 5 per cent. That rates does not cover the whole cost, because section 3 says that over and above the 5 per cent., the cost of special establishment may be charged. [MR. SARAT KUMAR ROY: That is (*b*).] Quite so. Therefore (*a*) and (*b*) together cover section 3 of the

existing Act. Clause (*c*) says "where no special staff is employed"; therefore, clause (*b*) goes out; clause (*c*) takes the place of (*b*), "for collection a sum not exceeding 5 per cent., on the actual collection." You have got to pay the cost in (*a*) and the cost in (*b*) if a special staff is to be employed. If a special staff is not employed, then we provide in (*c*) that instead of (*b*) 5 per cent. should be realized. Now, supposing you leave out (*c*); what will be the effect? The effect will be just the opposite of what members think. Hon'ble members do not realize that it will be an inducement to the Collector to employ a special staff in every case. If (*c*) remains, in the case of a small *chur* adjoining a Government estate, the Collector may employ the *tahsildar* of that Government estate to collect the rents of this *chur;* and as he does not employ any special staff for it, the charge is only 5 per cent. Take a concrete case and hon'ble members will see that their object will be defeated if (*c*) be deleted. Supposing the rent is Rs. 500, 5 per cent. of this is Rs. 25 a year. No special staff is employed and the Collector employs the existing *tahsildar* of the adjoining estate, charging only Rs. 25 per annum; and that is all the extra amount. Now, if (*c*) is deleted, the Collector will employ a special staff on at least Rs. 20 a month, *i.e.*, Rs. 240 a year. It will be an inducement to the Collector to employ a special staff under the existing Government Management of Private Estates Act because he is entitled to charge 5 per cent. *plus* other establishment charges for the staff entertained; he can do that. But if he does not employ a special staff, under this Bill he may run the estate cheaper by only charging 5 per cent. It will be seen therefore that the cost will be less if you retain (*c*). You run the risk of increasing the cost if (*c*) is deleted. For these reasons, Sir, I oppose the motion.

Dr. NARESH CHANDRA SEN GUPTA: Sir, may I ask the Hon'ble Member whether he agrees that when an estate is taken under this Act, Government will take 5 per cent. under the Government Management of Private Estates Act; and if there is no special staff employed an additional 5 per cent. by reason of the fact that although no special staff is employed, Government employ other agency for the purpose. So, in all, 10 per cent. is charged on the actual collections.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, there are two alternatives, viz., 5 per cent. *plus* the actual cost of the special staff, *i.e.*, under (*a*) and (*b*); or 5 per cent. under (*a*) *plus* 5 per cent. under (*c*), or 10 per cent. in all.

The motion was then put and lost.

The motion that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 3 in proposed section 4A(*1*), lines 4 and 5, for the words "statements specifying their claims and the grounds thereof," the words "a claim" be substituted.

Sir, in proposing this amendment, I am not presenting before you any more of arguments than that ordinary common sense would appeal to you. My reasons against the filing of such statements before the Collector and the grounds thereof rest upon the ground that it is wholly against the fundamental principles of civil justice.

By this clause in the Bill, the parties are required to disclose their whole case before the Collector, but at the same time no provision is made whereby it should be made incumbent upon the parties that they will not be able to file any fresh written statement when the matter goes to the civil court. If this is not done, unscrupulous litigants will improve upon their defects at the cost of others which will give such parties an unfair advantage. In land acquisition cases and in the Land Acquisition Act claimants are required to file a statement of their claims before the Collector under section 18 of the Land Acquisition Act. But the parties are not allowed to alter the claims thus put forward when the matter is before the civil court. I can have no objection to a legislation of that nature.

There is nothing in this Bill which suggests that the Collector shall send these claims to the civil court. These claims can never operate as a bar to a further putting in of claims in the civil court. Half-hearted activities of this nature will bring in more injury to the parties than the good aimed at.

Sir, I commend my motion to the acceptance of the House.

The Hon'ble Sir BROJENDRA LAL MITTER: I must oppose this amendment, Sir. Here again I am afraid the hon'ble member is under a misapprehension. The function of the Collector is to examine all the claims placed before him, sift out the good from the bad, and if he finds a claim *primâ facie* or on the evidence and materials placed before him not *bonâ fide*, he rejects it, and makes a reference to the civil court. The civil court can always admit a fresh claim. Not that the Collector's decision is final. That is not so. Is it not desirable that frivolous claims should be sifted out in the first instance and then reference made to the civil court? If the Collector makes a mistake, and rejects a good claim, there is the civil court where you can always have a decision. That being so, why do you take away from the Collector the preliminary duty of sifting which will mean cheapening the cost of the whole proceeding, weeding out unnecessary parties, and

avoiding unnecessary harassment? Then the Collector makes his reference to the civil court. In order that the Collector may be able to sift the good from the bad, the particulars of a claim must be placed before him. If it meant the mere filing of a claim, then any number of claims may be filed, and why have the Collector at all? The Collector is not merely a post office to forward every claim to the civil court. The Collector must have here a judicial discretion, but that discretion is always subject to revision by the civil court. That being so, the Collector must have particulars before him. If you eliminate the particulars, you reduce the Collector to the position of a mere post office for forwarding the claims. I submit that it is necessary that all particulars should be placed before the Collector to enable him to make a preliminary survey of the whole thing, narrow down the issue and pass on the *bonâ fide* claims to the civil court.

I oppose the amendment.

The motion was put and lost.

Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 3 in the proposed section 4A(*1*), the second paragraph beginning with the words "if any" and ending with the words "his claim" be omitted.

Sir, in proposing this amendment, I am requesting to omit the second paragraph as a whole. The purpose of this Act is to have a determination of the title to the land. If you bring in amongst the claimants the *raiyats*, under-*raiyats*, etc., as parties to the reference, then there will arise so many cross-issues between the parties, that it will be impossible to have a proper decision. Suppose a party claims to have tenancy under one landlord with regard to some portions of the lands in dispute, one issue will be whether his alleged landlord has title to the land, and the second issue will be whether the tenant had his alleged tenancy in the land claimed and in the third place whether his tenancy subsists still or it is to be regarded to have been abandoned by non-payment of rent, etc. Each of these questions ought to be under the general principles of law the subject-matter of different suits; but if all these issues are to be tried in one suit with regard to each plot of land, the whole reference case will be bad for multifariousness and there is every likelihood that such complications will fail to achieve the desired end. In between the landlord and the *raiyat*, there may remain various tenures and under-tenures some from some of the proprietors, some from some other proprietors, and all these intricate issues and cross-issues will arise which, I submit, when raised in any suit will bring in a failure of justice. Anybody aware of the intricate land tenure system of Bengal will bear me out and particularly the hon'ble members from the district of Barisal that so many issues and cross-issues will arise, each of which would have been and could have been the

subject-matter of different suits, that there should be every likelihood of failure of justice and inevitable delay. My view is that you determine the title to the lands and hand over the properties to the proprietors and let the *raiyats* and tenure-holders fight out their rights against the particular persons whom they claim as their landlords by different suits. It is a principle of fundamental importance in civil justice that the courts are to see that the suit does not become bad for multifariousness. If in the same reference case, you try to have a determination of the title of the proprietor, the *patnidar*, the *dur-patnidar*, the *sepatnidar*, the tenure-holder, the under-tenure-holder, the *raiyat*, the under-*raiyat*, and the *bargadar*, it is Utopian indeed, but in reality you will not find anything but chaos. It may be a very rosy picture indeed so soar in the realms of imagination and try to hit a hundred birds by one stone, but when coming down to a lower plain you will attempt to take stock of how many you have hit, you will find that the birds are there and you have hit only yourself. Therefore, I appeal to you to delete this clause and leave it open to the parties other than the proprietors to litigate their title in separate suits.

I commend my motion with these words to the acceptance of the House.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I am afraid, Sir, that the mover of this amendment has not clearly understood the implications of this paragraph. His objection is that an intermediate party —*raiyats*, tenure-holders and so forth—should not be required to file statements of their claims before the Collector, but under section 4A(*1*) the superior landlord only who pays Government revenue direct should be required to file such a statement. There may be, however, cases where there is no dispute regarding the actual superior landlord, but the *patnidar* and the *makraridar* may be fighting on a particular matter. As regards *patnidars*, there is no provision under which they can be required to file a statement. Therefore, such an additional clause is absolutely necessary and should find a place in the Act.

Mr. SARAT KUMAR ROY: Sir, within the permanently-settled area of Bengal, all lands are practically settled with *zemindars*. There, if any land is formed as a result of recessions of the river bed, it can safely be presumed that it belongs to the proprietor of some estate or other. Anybody who is not a proprietor and seeks to claim it as his own, must show how he was deprived of his title to the lands so formed. The details of his title which he will be asked to furnish by this section are what are absolutely necessary for the Collector to ascertain if the claimant has any *bona fide* right to the land or not. If those details are withheld, it would also be difficult for the proprietors to ascertain the real situation. The particulars being essential for a correct determination of the issues before the parties, I think the claimants should

be compelled to disclose them at the very beginning. This clause of the Bill is, therefore, very important and I therefore oppose the motion for its omission.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, very cogent reasons have been given by the last two speakers against the amendment. Sir, if particulars are necessary to support a claim—this is only one instance of particulars in a special case—is it suggested that everybody is to file particulars except those who come under the category of this sub-clause? That would make the whole thing absurd. I oppose the amendment.

The motion was put and lost.

Maulvi ABUL QUASEM: I beg to move that in clause 3, in proposed section 4A (*1*), third paragraph, line 1, after the word "map," the words "as prepared," and before the word "record-of-rights" the article "a" be inserted.

The Hon'ble Sir BROJENDRA LAL MITTER: I may say at once that I accept the amendment. It is an improvement in drafting.

Mr. PRESIDENT: The Hon'ble Member has accepted your amendment, would you still like to make a speech?

Maulvi ABUL QUASEM: No, Sir,

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, if you insert the word "as prepared," it does not improve the drafting in any way because what is really required is a finally published map and record-of-rights. The map might have been prepared but not published; that map, therefore, is useless. Therefore, I think the wording, as it is, is good enough.

Mr. O. M. MARTIN: May I explain that in Chapter 10, the map is not finally published; it is the record-of-rights which is finally published. The survey is made under section 10, and the record-of-rights is published. So, actually the amendment proposed seems to be an improvement.

The motion was put and agreed to.

Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 3 in the proposed section 4A (*1*), in the third paragraph, line 3, after the word, "claimant" the words "where possible" be inserted.

My reasons for putting in this amendment are that after diluvion the original character and shape of the land becomes changed, and it

can never be possible to say with certainty what plot or plots of land of the settlement record cover the lands in dispute and that can only be stated with certainty after the survey and relaying of settlement records is completed. The parties when filing their claims may, where possible, furnish with these particulars. If you use the words "shall" you make it imperative. In the second place if in the cases of proprietors you require them to furnish these particulars it is anything but justifiable. It is quite sufficient if they give the *thak* maps or revenue survey maps showing the extent of their estate. Accordingly, I say that it would be better if you would insert the words "where possible" in the place suggested by me.

Dr. NARESH CHANDRA SEN GUPTA: As a matter of drafting, what my hon'ble friend aims at could be achieved by adding the words "where possible" only after the word "mention" and not after the word "claimant." But the reasons given by my friend are not quite clear. What is wanted is a definite statement that the plot of land is included in the record-of-rights. A man who makes his claim means to say that the land in dispute is a land bearing a particular number in the record-of-rights and that the record shows that it is his land. That is his claim. Is he to be allowed to say, well, it may be this land, that land or any other land? He ought to be able to say something definite. I do not see any reason for adding the words "where possible." If it is in the record-of-rights, he knows the number of the plot which he claims to have.

The Hon'ble Sir BROJENDRA LAL MITTER: I recall to my hon'ble and learned friend Dr. Sen Gupta the well-known maxim *lex non cogit ad impossibilia*. What is, in law, impossible need not be done. Therefore, it is unnecessary to add the words "if possible." That is covered by the maxim *lex non cogit ad impossibilia*. My second objection is this: if we once introduce the words "if possible" we introduce a fresh issue whether a thing was possible or not possible. We introduce an element of vagueness which is not there now. For these reasons I oppose the motion.

Dr. NARESH CHANDRA SEN GUPTA: I may explain that I did not support the amendment.

The motion was then put and lost.

Mr. PRESIDENT: I hope it will not inconvenience Mr. Mullick if he moved motions 7 and 8 together and made one speech on them.

Mr. MUKUNDA BEHARY MULLICK: No, Sir. It would not inconvenience me in the least; as a matter of fact, that was the very thing I was going to ask you about.

Mr. PRESIDENT: I also hope that it will not inconvenience the Hon'ble Sir B. L. Mitter.

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir, I have no objection.

Mr. MUKUNDA BEHARY MULLICK: I beg to move that in clause 3, in proposed section 4A (2), lines 4-6, the words beginning with "examine his claim" and ending with "*bonâ fide*," be omitted; and also that in clause 3 in proposed section 4A (2), lines 7-9, the words beginning with "The Collector" and ending with "particulars" be omitted.

In proposing these amendments I am asking the House to consider at first for a moment the harsh and harmful effects of this proposed legislation. The powers of civil courts in the question of "determination" of titles to land include amongst others to decide the question of *bonâ fides* or otherwise of a claim put forward by any party. Are you not proposing by this provision in the Bill to take that power away from the civil courts and conferring the same on the Collectors? Are you not by making this provision conferring some powers upon the Collectors which under the ordinary circumstances they have not? By the provision as it stands in this clause of the Bill you are authorising the Collector to examine the *bonâ fides* of the claim of any claimant, and by doing so he really exercises some powers, which he obtains certainly by encroaching upon the powers of civil courts and you are giving the Collectors decision on the claim of a party a finality, which is neither appealable nor subject to revision. This proposition is by its nature innately repugnant to all principles of justice. The party against whom the Collector makes a decision is left without any chance of redress against his order because by a later provision in the proposed amendments you have limited the power of the civil court to decide who shall be added as a party or not. I appeal to the vast experience of the Hon'ble Revenue Member in the field of administration of civil justice in this land, whether he has ever heard of such an abhorrent piece of legislation as this which says that when the claim of a party to certain immovable property is dismissed by one court, the aggrieved party has no right of appeal and in the second place the Revenue Officer is the proper court to determine as to who should be proper parties to a title suit—a direct usurpation of the powers of the civil courts under Order 1 of the Code of Civil Procedure. I put this warning before this Council, that it is *ultra vires* of this provincial Legislature to frame any piece of legislation of the nature now sought to be enacted, which would have the effect of over-riding the provisions of the Civil Procedure Code. You cannot by any enactment whatever subordinate the Civil Procedure Code to an enactment of yours. I have shown the various aspects of the inherent difficulties ahead. Do not make this Act an engine of repression on the riparian owners. Further, this provision authorises the Collectors to call for further particulars, which may be that the Collector

would require the party to produce evidence also. What justification is there for making all these provisions, I for myself cannot imagine. How can you authorise the Collector to receive evidence also on the question of title and on such evidence authorise him to give a decision? And from such a decision there is to be no appeal or revision before the High Court, the final judicial head of this province. If you want to deny justice that you can do: why not abolish the provisions regarding reference to civil courts and authorise the Revenue Court alone to make the decision on questions of title just as the decision in cases under section 145 of the Criminal Procedure Code? I can understand the reasonableness of the provision in section 145 of the Criminal Procedure Code because there no question of title is decided. But where questions of title are concerned one should be very cautious to proceed. Please do not bring in this dualism in the domain of civil justice of the land. The game of dualism has been given a full and free play in the sphere of politics in this country with what consequences you are all aware, and the one consequence of it, which is always undisputed, is that it really fails to achieve the end which it is designed to serve. In these considerations I appeal to the House to accept this amendment of mine.

Dr. NARESH CHANDRA SEN GUPTA: I am willing to support the amendments but on grounds very widely differing from the grounds advanced by the mover. I am afraid Mr Mullick is labouring under a misapprehension when he thinks that the Collector's decision shall be final, without any appeal or revision. But if he looks at section 4 (*4*) (*iii*) of the Bill he will find the following words: "No other person shall be made a party to the reference unless the said court is satisfied that for some reason not due to negligence on the part of such person he was unable to file a statement of claim referred to in section 4A, sub-section (*1*), in due time or that the Collector has without sufficient reason held that such person's claim was not *bonâ fide*." So it will be found that the civil court has got the power to add a person whose claim has been rejected by the Collector if it is satisfied that the claim was *bonâ fide*. But my objection to this clause is this: Will it not really be adding a fifth wheel to the coach? The question of title as indeed of every right will have to be decided by the civil court and the decision of the Collector will be nothing more than a mere reference to the civil court. So, is it necessary that the Collector should waste his time, sitting in judgment upon the applicants of claimants in order to find out their *bonâ fides* and things like that? Why not rather have the Collectors, as the Hon'ble Member has characterised them, merely as post offices, for taking claims and sending them down or perhaps docketing them, just as in cases of reference under the Land Acquisition Act whereafter the Collector has made his award? He simply makes a statement and sends it to the civil court? The Collector might

do the same thing here also, seeing that the parties have after all to go to the civil court to establish their claim. I do not find any utility for the words which are now asked to be omitted.

The Hon'ble Sir BROJENDRA LAL MITTER: I shall be very sorry to pit my experience against the very large and varied experience of Dr. Sen Gupta. Besides, his experience is recent and mine is ancient. At the same time, I submit that the whole scheme of this measure is that there should be a preliminary weeding out, and all unnecessary parties deleted, and then the Collector makes the reference. The claimants then go and fight it out before the civil court. That is the whole scheme of this measure. Sir, that scheme will be defeated if you reduce the Collector, if I may repeat the expression once used, to the position of a mere post office. Dr. Sen Gupta also thinks that by having these two proceedings you will increase litigation. That is a matter of opinion. I venture to hold that by giving the Collector this power, litigation will be reduced instead of being increased. In a matter like this, as you know, Sir, being a big landholder yourself, all sorts of claims—good, bad and indifferent—are put forward, and the question is: Who is first in the race? Is it necessary, when numerous parties put forward all manner of claims, some substantial, some with a semblance of substance and some without any substance at all, when all manner of people are claiming the new formation, is it necessary that all these people should go to the civil court and fight out their case there, or is it not much better that there should be a preliminary examination of their claims by the Collector who is there on the spot with plenty of experience and who has no interest in the matter? If he holds a preliminary inquiry, weeds out bad claims and sends only *bonâ fide* claims for judicial adjudication, would not that in the end minimise litigation instead of increasing it? I submit that the Collector should have that power and it is conducive to justice and fairness.

The motions were put and lost.

Maulvi ABUL QUASEM: I beg to move that in clause 3, in proposed section 4A (2), line 8, after the word "fails" the words "without sufficient cause" be inserted.

Sir, these words are taken from section 5 of the Indian Limitation Act, Act IX of 1908. I realise of course that the Collector will be very careful in these matters, but I do not think he should be too scrupulous in trying to exclude people if they fail to furnish any required particular. It is not all particulars, that are meant, but any required particular; and if a party fails to furnish such particular his name may be omitted from the list of claimants. That is why I proposed to add the words "without sufficient cause." If the

claimant can satisfy the Collector that he has good cause for his failure to furnish the required particular at that stage, I think the Collector should be allowed to put his name in the list of claimants, so that the claimant may be enabled to furnish the required particular and fight his claim before the civil court at a later stage.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I do not think my hon'ble friend should press this amendment. If he will kindly look at the language of the clause he will find that the wording is "the Collector may exclude from the said list"; it is not "the Collector shall exclude." The Collector has a discretion. Now, if the Collector is vested discretion, he must exercise that discretion judicially and not arbitrarily. If the Collector in the exercise of his discretion acts arbitrarily, there is the civil court. But if he exercises his discretion judicially, then there is nothing objectionable in that. That is exactly what my hon'ble friend wants. The mere fact that the Collector is given discretion implies that he has to act in a judicial spirit and not in an arbitrary manner. I do not think that the amendment is necessary and I hope the hon'ble member will not press it, but if he does, then I say that the existing language is sufficient to cover the point which he has raised.

The motion was then, by leave of the House, withdrawn.

The motion that clause 3 as amended stand part of the Bill was then put and agreed to.

Clause 4.

Maulvi TAMIZUDDIN KHAN: I beg to move that in clause 4 (*3*) in proposed sub-section (*1a*) of section 5, in lines 2, 3 and 4, the following words be omitted, namely:—

"the court-fees payable under the Court-fees Act, 1870, on a plaint in a suit for determination of title to land *and*".

Sir, the provision in this clause is that when the Collector makes the reference he will advance *ad valorem* court-fees, that is court-fees payable on a plaint in a suit for determination of title to land. This seems to be too much, because litigation like this is to a certain extent forced upon at least some of the parties. Supposing in a particular *char* land which is attached under the Alluvial Lands Act there are four claimants and of these four claimants, one claimant owns a very small share, say one pice share: he is not in the dispute and it is not on account of his fault that the land is attached: ultimately, the Collector makes the reference in respect of this land to the civil court. Now, the Collector advances the *ad valorem* court-fees on the total land. The civil court decides the suit one way or the other. Supposing the holder of the one pice share is defeated there and he has to prefer an

appeal. Has he to pay court-fees on the total land, that is on the total value of the land? It is absolutely impossible for a small shareholder to carry on the litigation up to the highest court if such excessive court-fees are to be paid. Moreover, I do not think under the present law such court-fees are at all payable. If any court-fees should be payable on an action like this, I think on no account it should be more than what is payable in partition suits. Suits like this are to a certain extent in the nature of partition suits, although they are not strictly speaking partition suits. In the Criminal Procedure Code also there is provision for settling matters whenever there is a dispute over land which may occasion breach of the peace. There also under section 145 of the Criminal Procedure Code the Magistrate comes to a decision as to the possession of the land. No court-fees are payable in such cases. I submit that it will be extremely hard upon poor partners if *ad valorem* court-fees are payable. When appeals are to be preferred, these poor partners will be landed in difficulties and it would be impossible for them to carry on the litigation simply on account of their inability to pay the court-fees. I therefore think that if the Government is not in a position to accept my amendment *in toto*, some way should be found out so that the court-fees payable might be much less than what is paid on a plaint in a suit for determination of title to land.

Dr. NARESH CHANDRA SEN GUPTA: Sir, Mr. Tamizuddin Khan is rather bold at this time of the day in moving this amendment, when the Government is busy eking out all sources of court-fee revenue and for that purpose has introduced a Bill which has been referred to the Select Committee. I think it will best serve his purpose to let the section remain as it is. For the Collector is to advance court-fees payable under the Court-fees Act of 1870 on a plaint in a suit "for determination of title to land." It so happens that there is no provision in the Court-fees Act for court-fees payable on a plaint in a suit for "determination of title to land." There is provision for court-fees to be paid on a plaint in a suit for declaration of title to land with or without consequential relief. There are different court-fees in different kinds of suits and proceedings for determination of title. Therefore, under this clause, if it is left as it is, it might be that the Collector will pay no court-fee at all. If, on the other hand, it is suggested that the court-fee payable on a plaint in a suit for determination of title to land means a court-fee payable for declaration of title, I think it is wrong in principle, because the party seeking for a declaration of title, if he has no consequential relief to ask, is in possession of the property and asks for declaration of his own title. Here, it is the Collector who goes and asks for the declaration. Why should the party pay that court-fee? If it is intended that the court-fees payable will be the court-fees on a plaint in a suit for declaration of title and recovery of possession, I say it is fundamentally wrong, because in this case the possession of the

Collector will be the possession of the rightful owner and all that the Collector will have to do will be to sue for the declaration of title. In any case, if Mr. Tamizuddin Khan cannot succeed in his amendment, as I fear he will not, it ought to be made clear that the court-fees payable will be under some determinate clause in the Schedule of the Court-fees Act and it cannot be as on a plaint in a suit for "determination of title" to land.

Mr. O. M. MARTIN: Sir, this amendment has been moved under some misapprehension. First of all it has been moved under the idea that some change has been made in the Bill in the amount of court-fee payable. But the words used are "the court-fees payable under the Court-fees Act, 1870, on a plaint in a suit for determination of title to land." These are exactly the words used in the existing Act. Therefore, no change has been made.

The second misapprehension of the mover is that an *ad valorem* court-fee will be payable. But as a matter of fact the court-fee payable under the existing Act, is Rs. 20 under Schedule II, Article 17, clause (*iii*) of the Court-fees Act, 1870. This has been definitely settled by the High Court in a ruling quoted in I. L. R., 58 Cal., page 701. The same court-fee will be payable if the Bill as it stands becomes law.

I therefore oppose this amendment.

The motion was then put and lost.

Mr. MUKUNDA BEHARY MULLICK: I beg to move that in clause 4 (3), in proposed sub-section (*1a*) of section 5, lines 3 and 4, for the word "determination," the word "declaration" be substituted.

Sir, in proposed sub-section (*1a*) to section 5 of the Act, the words "determination of title" occurring in third and fourth lines thereof, should be replaced by "declaration of title," because in the case of reference, under the Bengal Alluvial Lands Act, all that the civil court is required to do is only to make a declaration of title and there comes in the question of consequential relief, namely, to give possession. Because the lands are in the possession of the Collector, who holds possession of these lands on behalf of the court and his possession is not adverse to that of any of the claimants; as has been held by the High Court in many decisions.

Similar is also the case when the Collector keeps any land under attachment under section 146 of the Criminal Procedure Code. The court-fee payable in such cases is Rs. 20. If the present terms remain, it may be argued to mean that *ad valorem* court-fee should be required to be paid, but that is contrary to the decisions of the High Court. In support of this amendment of mine I am fortified by a decision of the Hon'ble High Court of Calcutta, and I do not propose anything more than a request to you to respect the said decision.

In the Court-fees Act the language used is "declaration" and not "determination" and you are to accept that term. The word "determination" may mean "declaration of title" with consequential relief or a declaration of possession. So by inserting these words the House would only clear up the little bit of ambiguity which lies in the clause.

Mr. SARAT KUMAR ROY: Sir, when lands are reformed on their former site, their proprietor simply gets back what actually belonged to him, but the enjoyment of which he was temporarily deprived of through some accident. His dispossession is not due to any adverse claim thereto by any other person. Hence, what he requires is, really speaking, a declaration of his existing title to the land reformed. Under such circumstances, the reference made by the Collector should be considered as merely a suit for declaration of title to immovable property.

Sir, the proprietor of such land must have foregone considerable loss due to diluvion. It does not seem to be proper to ask him to incur further loss by paying heavy court-fees for recovering his own property, particularly in view of the circumstances. I therefore think that every such reference by the Collector should be considered as a suit for declaration of title with no consequential relief; and the court-fees payable should be levied accordingly. Hence, I think that the amendment proposed is well justified. So I support the motion.

Mr. O. M. MARTIN: I think I have explained in my reply to the last amendment that there is no ambiguity and there is no doubt as to the meaning of the phrase "court-fees payable under the Court-fees Act on a plaint in a suit for determination of title to land." If a reference is made to the ruling of the High Court, which I have just mentioned, given in I. L. R. 58, Cal., page 701, it will be perfectly clear that the fee is exactly Rs. 20. Therefore, the effect of this clause, as it at present stands, is that the court-fee is Rs. 20. What the effect will be if some other change is made I cannot say. So this clause should be left as it stands.

With these words I oppose the amendment.

The motion was then put and lost.

Adjournment.

The Council was then adjourned till 2 p.m. on Friday, the 14th December, 1934, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 14th December, 1934, at 2 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 84 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Procedure for district board elections.

***7. Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the procedure in case of joint electorate constituencies with reserved special seats is that the declaration of successful candidates is first made with respect to special seats and then with respect to general seats?

(*b*) If the answer to (*a*) is in the affirmative, what is the reason underlying such a procedure?

(*c*) Have the Government considered the point that in many cases the special interests might secure an additional seat if the general seats are declared first?

(*d*) What procedure will be observed in the forthcoming district board elections?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) If the result of election to general seats is declared first, there would be a risk of the minority community, for which an adequate number of seats is reserved, securing a disproportionately large share of representation.

(*c*) The member is referred to answer (*b*).

(*d*) The procedure prescribed in the Election Rules issued by Government under clauses (*a*) and (*aa*) of section 138 of the Bengal Local Self-Government Act of 1885.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether a person who secures the largest number of votes at the poll can be considered to be a member of the minority community?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He may or may not be.

Maulvi SYED MAJID BAKSH: If he may not be, is it not a fact that the principle underlying the procedure adopted is wrong?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think so.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it not practically denying a chance to the minority community which is offered by the Act itself?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly not. The principle is that a minimum number of seats should be secured to the minority community through reservation of seats.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Bakarganj district board.

7. **Maulvi ABI ABDULLA KHAN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the present Bakarganj district board was constituted under the old Act?

(*b*) Is it a fact that the new Act has already come into force in many districts?

(*c*) Are the Government considering the desirability of constituting the Bakarganj district board in the near future under the new Act?

(*d*) If the answer to (*c*) is in the negative, what are the reasons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The board was reconstituted before the Bengal Local Self-Government Act of 1885 was amended by the Bengal Local Self-Government (Amendment) Bill of 1932.

(*b*) The amendments in the Act came into force throughout the province on 2nd February, 1933, the date on which the amended Act of 1932 was published in the *Calcutta Gazette* on receipt of the Governor-General's assent.

(*c*) and (*d*) Steps will be taken to reconstitute the board in the usual course on the expiry of four years' term of office of its members as required by the Act as amended.

Recruitment of clerks in Khulna civil courts.

8. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether it is a fact that in a Judge's Office clerks are appointed first on temporary basis and when permanent vacancies occur they are filled up by these temporary hands?

(*ii*) whether the system generally prevails with the Government to give preference to the retrenched hands at the time of any new appointment; and

(*iii*) whether it is a fact that some posts were abolished owing to the abolition of some courts from the Khulna district and that all retrenched clerks were provided with except one?

(*b*) Is it not a fact that some new recruitment in the temporary staff was made from amongst the outsiders superseding Ramesh Babu's claim?

(*c*) Is there any circular of the Government to the effect that recruitment should be made only from the depressed communities without considering the cases of those already retrenched irrespective of caste or creed?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) There is no rule in the matter.

(*ii*) The Government order on the subject is embodied in a (Finance Department) circular from which relevant extracts are placed on the table.

(*iii*) Two munsifs' courts have been kept in abeyance and all the temporary hands retrenched as a result thereof have been appointed in subsequent vacancies.

(*b*) Some such appointments have been made but Babu Ramesh Ch. Das had no claim in respect of such appointments, as he had only

been appointed in a temporary vacancy in connection with the court of the temporary Additional Sub-Judge and he was discharged on the expiry of the period for which the court has been sanctioned.

(c) No.

Extract paragraph 4 of the Finance Department Memo. No. 227T.F., dated the 15th June, 1933, referred to in the reply to clause (a) (ii) of unstarred question No. 8.

4. Until further orders, as vacancies occur, whether in permanent or temporary posts, the appointing authority should first consider whether they could suitably be filled by the appointment of retrenched officers. No permanent appointment should be filled without consideration whether it is possible to utilise it for the absorption of a retrenched officer. In cases in which such appointments are made, the ordinary rules regarding age-limits, breach of service and the counting of temporary service for pension will be suspended by Government in favour of the officer, provided he has not declined an earlier offer of suitable employment. The appointment of retrenched officers will, however, be subject to the standing orders of Government in regard to the recruitment of members belonging to minority communities. No retrenched officer will have a claim as of right to re-employment, and "suitable employment" does not necessarily mean the exact equivalent of the employment withdrawn.

NON-OFFICIAL MEMBERS' BUSINESS

NON-OFFICIAL BILLS.

The Estates Partition (Amendment), Bill, 1933.

Mr. PRESIDENT: Kishori Babu, have you obtained the consent of the members you have named in your motion?

Babu KISHORI MOHAN CHAUDHURI: I have got the consent of some and I have substituted other names for those whose consent I have not received. Amongst those others whose consent I have received there is only one person, Maulvi Hassan Ali, whose consent will have to be taken. As he is here I may receive his consent now.

Mr. PRESIDENT: Why didn't you obtain his consent earlier? You may move your motion omitting the names of such members as have not given their consent.

Babu KISHORI MOHAN CHAUDHURI: I move that the Estates Partition (Amendment) Bill, 1933, be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Revenue Department,
(2) Mr. A. deC. Williams,
(3) Mr. O. M. Martin,
(4) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(5) Khan Bahadur Maulvi Emaduddin Ahmed,
(6) Mr. Sarat Kumar Roy,
(7) Babu Hem Chandra Roy Choudhuri,
(8) Maulvi Hassan Ali,
(9) Mr. Shanti Shekhareswar Ray,
(10) Babu Satish Chandra Ray Chowdhury,
(11) Nawab Musharruf Hosain, Khan Bahadur,
(12) Mr. R. Maiti, and
(13) the mover.

with instructions to submit their report by the 31st December, 1934, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The object of the Bill is to do away with a certain difficulty which we all experience under the provisions of the Act. Under the Existing Act consent of all the co-sharers has to be obtained before a partition can be effected even of a rent-free land. Otherwise, it must be kept as an *ejmali* for all. In my portion of the province—in Rajshahi—there are four big partition suits now going on over this. My friend, Khan Bahadur Maulvi Emaduddin Ahmed, knows all about this, and Maulvi Hassan Ali will also bear me out. There are about seven or eight hundred villages concerned. In these suits there were attempts to get the consent of all co-sharers for partitioning all rent-free lands, but as that cannot be obtained, these suits had to be filed involving hundreds of villages in two or three districts which have remained an *ejmali* up till now. Under the Cess Act the big co-sharer deposits the entire cess to Government and then realises it from the other co-sharers. Some co-sharers have got interest to the extent of *kara*, *kranti* or *ganda* and they do not agree to pay and then the big co-sharer who has deposited the cess has to go to the court for realization of his dues. In order to do away with this difficulty, I have introduced this Bill. It has been suggested that this difficulty may easily be dealt with by deleting section 82 altogether. But that cannot be done at this stage. It can be done

at a meeting of the Select Committee. I believe that Government are not opposed to this, but would prefer something being done in this direction.

I hope therefore the House will consent to my motion being referred to the Select Committee.

Mr. PRESIDENT: I should like to sound a note of warning to hon'ble members that in future I shall demand and insist upon strict compliance with the procedure I have long ago laid down, namely, that in proposing reference of Bills to Select Committees intending movers must place in the hands of Secretary the written consent of those who have been named to serve on them. In my anxiety to enable the House to form Select Committees of the right sort, I have, in the past, treated all delinquencies in respect of that procedure with leniency; but, laxity, I am afraid, has gone beyond reasonable bounds, and I must emphasize the gravity of law-making. Last-moment attempts to obtain the required consent, or to substitute new names for those whose consent have not been received upset the business of the House and impair its dignity.

Before I take up other amendments proposing new names for the proposed Select Committee, I should like to split up the original motion into two parts. I should like to see in the first instance if the House is at all willing to refer the Bill to a Select Committee. I must guard against wastage of the time of the Council.

Dr. Naresh Chandra Sen Gupta having risen in his seat——

Mr. PRESIDENT: Do you wish to discuss the principle of the Bill at this stage?

Dr. NARESH CHANDRA SEN GUPTA: I did not want to speak, Sir.

Mr. PRESIDENT: Then why did you rise?

Dr. NARESH CHANDRA SEN GUPTA: I should like to hear the Government view.

Mr. O. M. MARTIN: Government will not oppose the motion for reference to the Select Committee. They have carefully considered the Bill and also the opinions received, and although they do not accept the principle of the Bill in full, they agree that a case has been made out for the amendment of section 82 of the Estates Partition Act and possibly for its abolition. If the scope of the

Select Committee can extend to a recommendation for abolition of section 82, then Government have no objection to referring the Bill to the Select Committee.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, I rise to support the motion. The law as it stands creates considerable difficulties. Under the existing Act a rent-free holding cannot be partitioned without the consent of all the co-sharer landlords. We know fully well that rent-free holdings, though they are part of the partitioned estate, have practically no concern with landowners who get a small amount of cess only from these rent-free holders, practically as agents of the district boards, as they have to pay cess to Government in advance. In this case if rent-free holdings be not partitioned, the result is that the co-sharer landlord cannot realise cess from the rent-free holders as they will raise various objections as to the proprietory right of the land. Thus these rent-free holdings are losing concerns to landowners. Sometimes Government realise cess from one of the co-sharer landlords with the result that he has no other alternative but to file continuation suits for the recovery of cess from other co-sharers. Thus one of the co-sharers unnecessarily suffers much to the advantage of the other co-sharer landlords. Therefore, it is in the interest of all co-sharer landlords as also in that of Government that these rent-free holdings should be partitioned. Under these circumstances, I suggest that this difficulty can only be solved if section 82 of the said Act be deleted altogether, instead of making so much alterations as proposed by my hon'ble friend Kishori Mohan Chaudhuri. I hope the Select Committee will consider my suggestion.

With these few words I support the motion and trust my hon'ble friend's motion will be accepted by the House.

The motion that the Estates Partition (Amendment) Bill, 1933, be referred to a Select Committee was then put and agreed to.

The motion that the Select Committee shall consist of—

(1) The Hon'ble Member in charge of the Revenue Department,

(2) Mr. A. deC. Williams,

(3) Mr. O. M. Martin,

(4) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(5) Khan Bahadur Maulvi Emaduddin Ahmed,

(6) Mr. Sarat Kumar Roy,

(7) Babu Hem Chandra Roy Choudhuri,

(8) Maulvi Hassan Ali,

(9) Mr. Shanti Shekhareswar Ray,

(10) Babu Satish Chandra Ray Chowdhury,

(11) Nawab Musharruf Hosain, Khan Bahadur,

(12) Mr. R. Maiti, and

(13) the mover.

with instructions to submit their report by the 31st December, 1934, and that the number of members whose presence shall be necessary to constitute a quorum shall be five was then put.

Mr. SARAT KUMAR ROY: I move by way of amendment that before the name of the "mover" the following name be added:—

Babu Khetter Mohan Ray.

The amendment was put and agreed to.

Babu Kishori Mohan Chaudhuri's original motion was then put in the following amended form and agreed to:—

"The Estates Partition (Amendment) Bill, 1933, be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Revenue Department,

(2) Mr. deC. Williams,

(3) Mr. O. M. Martin,

(4) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(5) Khan Bahadur Maulvi Emaduddin Ahmed,

(6) Mr. Sarat Kumar Roy,

(7) Babu Hem Chandra Roy Choudhuri,

(8) Maulvi Hassan Ali,

(9) Mr. Shanti Shekhareswar Ray,

(10) Babu Satish Chandra Ray Chowdhury,

(11) Nawab Musharruf Hosain, Khan Bahadur,

(12) Mr. R. Maiti,

(13) Babu Khetter Mohan Ray, and

(14) the mover,

with instructions to submit their report by the 31st December, 1934, and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

The Calcutta Municipal (Amendment No. II) Bill, 1933.

Mr. P. BANERJI: I move that the Calcutta Municipal (Amendment No. II) Bill, 1933, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department,

(2) Dr. Naresh Chandra Sen Gupta,

(3) Mr. W. L. Armstrong,

(4) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(5) Maulvi Hassan Ali,

(6) Mr. Shanti Shekhareswar Ray,

(7) Babu Hem Chandra Roy Choudhuri,

(8) Mr. R. Maiti,

(9) Babu Jitendralal Bannerjee,

(10) Mr. Mukunda Behary Mullick, and

(11) the mover.

with instructions to submit their report by the 30th January, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I notice that the Hon'ble Minister has tabled a motion for re-circulation of this Bill. Sir, whenever a Government Bill is introduced, they do not care to consult public opinion. If we table a motion for circulation, they do not consider it necessary, but now that I have introduced a Bill which is supported by the Government for the separation of Kalighat and Bhowanipur in Ward No. 22, it has to be re-circulated. When Munindra Deb Rai Mahasai introduced a Bill of this kind in this House, the Hon'ble Minister said that it was necessary to have a comprehensive Bill instead of these small amending Bills so that the rural constituencies might be divided into singular ones, so that the responsibility might be fixed upon an individual Commissioner. I have in this Bill brought in labour members as is the case in Bombay and other parts of the world. I consider public opinion has been sufficiently expressed in the matter. So, I think the Hon'ble Minister will withdraw his motion and support my motion.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: I move, by way of amendment, that the Bill be re-circulated for the purpose of eliciting further public opinion thereon by the 15th March, 1935.

Sir, I am sorry I cannot comply with the request of my hon'ble friend, the mover of the Bill. My motion is really a motion for re-circulation. This Bill was circulated for public opinion in August, 1933, but the opinion of the Calcutta Corporation was not received. The Calcutta Corporation is vitally interested in the matter and it will be very unfortunate if we go on for legislation amending the Act without obtaining the opinion of that body. For these reasons I hope Mr. Banerji will accept my motion instead of my accepting his.

Mr. P. Banerji not pressing his motion, the Hon'ble Minister's motion was put and agreed to.

Mr. PRESIDENT: Mr. Banerji's motion automatically falls to the ground.

The Bengal Municipal (Amendment) Bill, 1934.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I beg for leave to introduce a Bill to amend the Bengal Municipal Act, 1932.

Sir, in doing so, I beg to submit——

Mr. PRESIDENT: Rai Bahadur, you need not make a speech at this stage. You will have an opportunity of doing so later on.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I beg also to move that the Bill be referred to a Select Committee consisting of——

Mr. PRESIDENT: Have you obtained the consent of the members whose names you have given in your list?

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I will read out the names of these members only whose consent I have obtained.

I beg to move that the Bill be referred to a Select Committee consisting of——

(1) The Hon'ble Minister in charge of the Local Self-Government Department,

(2) Rai Bahadur Keshab Chandra Banerji,

(3) Secretary to the Government of Bengal, Local Self-Government Department,

(4) Babu Khetter Mohan Ray,

(5) Khan Bahadur Muhammad Abdul Momin,

(6) Mr. S. M. Bose,

(7) Babu Jatindra Nath Basu,

(8) Babu Jitendralal Bannerjee,

(9) Nawabzada Khwaja Muhammad Afzal, Khan Bahadur, and

(10) the mover,

with instruction to submit their report by the 10th February, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move, by way of amendment, that the Bengal Municipal (Amendment) Bill, 1934, by Rai Bahadur Satyendra Kumar Das, be circulated for the purpose of eliciting public opinion thereon by the 1st April, 1935.

Sir, I may inform the House that Government intend to introduce shortly a Bill to amend the Bengal Municipal Act in order to remove some anomalies in the present Act and bring about some of the urgent amendments that might be considered necessary. In view of this fact, I think the Rai Bahadur will not press his motion for reference of this Bill to Select Committee.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, may I ask the Hon'ble Minister whether the amendments proposed in this Bill will be incorporated in the Bill that will be proposed by the Hon'ble Minister? Besides, if this Bill is circulated for eliciting public opinion by the 1st April, 1935, it will be difficult for the mover, I mean the Rai Bahadur, to get the Bill passed within the lifetime of this Council, which will come to end by the end of June next.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I cannot give a definite assurance whether these amendments would be incorporated in the Government Bill or not.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I accept the Hon'ble Minister's suggestion.

The Hon'ble Sir Bijoy Prasad Singh Roy's motion was then put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1934.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move for leave to introduce a Bill further to amend the Bengal Tenancy Act, 1885.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Bengal Ferries (Amendment) Bill, 1934.

Maulvi ABDUL HAKIM: Sir, I beg to move for leave to introduce a Bill to amend the Bengal Ferries Act, 1885.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Mr. SARAT KUMAR ROY: Sir, copies of this Bill have not been circulated to members.

Mr. PRESIDENT: Mr. Roy, I am sorry you are too late. The motion has already been agreed to.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I understood that your ruling in regard to motions for introduction of Bills was that there is no rule under which such an objection could be maintained.

Mr. PRESIDENT: Yes, but copies should be available to members when the motion is called. That is a time-honoured and wholesome practice of this House and I should certainly adhere to it.

The Bengal Medical (Amendment) Bill, 1933.

Babu JITENDRALAL BANNERJEE: Sir, I beg to move for leave to introduce a Bill further to amend the Bengal Medical Act, 1914.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Bengal (Rural) Primary Education (Amendment) Bill, 1934.

Maulvi ABDUL HAMID SHAH: Sir, I beg to move for leave to introduce a Bill further to amend the Bengal (Rural) Primary Education Act, 1980.

Mr. SARAT KUMAR ROY: Sir, we have not got copies of this Bill.

Mr. PRESIDENT: Maulvi Sahib, did you send copies of this Bill to members?

Maulvi ABDUL HAMID SHAH: Sir, I had circulated copies to members at the last session.

Mr. PRESIDENT: What I want to know is whether copies of the Bill are available to members at this session. Besides, there may be new members, who were sworn in at this session. It is fair and reasonable that you should move your motion at some other opportunity.

The Bengal Tenancy (Amendment) Bill, 1934 (Section 148).

Babu KISHORI MOHAN CHAUDHURI: Sir, before I move for leave to introduce this Bill, I may inform you, Sir——

Mr. PRESIDENT: You need not speak now.

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to move for leave to introduce a Bill to amend section 148 of the Bengal Tenancy Act, 1885.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Babu KISHORI MOHAN CHAUDHURI: Sir, before proposing the reference of this Bill to the Select Committee, I would like to have some information from the Government Member.

Mr. PRESIDENT: What I want to know is whether your motion for reference of this Bill to Select Committee is ripe for discussion; by that I mean whether you have obtained the consent of the members whose names you have given in your list.

Babu KISHORI MOHAN CHAUDHURI: Sir, I have obtained the consent of some of the members. If I get certain information from the Government Member it may not be necessary for me to move the motion for reference of the Bill to the Select Committee. However, I am willing to let the Bill remain at this stage for the present.

The Bengal Tenancy (Amendment) Bill, 1933 (Sections 48C, 109 and 158A).

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to move for leave to introduce a Bill to amend sections 48C, 109 and 158A of the Bengal Tenancy Act, 1885.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Babu KISHORI MOHAN CHAUDHURI: Sir, before I move the motion for reference of the Bill to the Select Committee, I beg to point out that there are some motions tabled for the purpose of eliciting public opinion on this Bill.

Mr. PRESIDENT: Those motions cannot be taken up unless you move your motion for reference of the Bill to Select Committee. Have you obtained the consent of the members mentioned in your motion?

Babu KISHORI MOHAN CHAUDHURI: No, Sir.

Mr. PRESIDENT: Kishori Babu, I am very sorry that you have not yet realised that it is imperative that you must obtain the consent of the members whose names you have given in your list. As you have not done so, I cannot take up your motion.

Adjournment.

The Council was then adjourned till 2 p.m., on Monday, the 17th December, 1934, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 17th December, 1934, at 2 p.m.

PRESENT:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 97 nominated and elected members.

In the absence of the Hon'ble President, the Deputy President (Mr. Razaur Rahman Khan) occupied the Chair for some little time.

STARRED QUESTIONS

(to which oral answers were given)

Telephone charges.

*8. **SETH HUNUMAN PROSAD PODDAR:** (*a*) Is the Hon'ble Member in charge of the Commerce Department aware that there exists a feeling amongst the public of Calcutta that the charges of the Bengal Telephone Corporation are very high?

(*b*) Is the Hon'ble Member also aware—

(*i*) that during all these years of depression the mercantile community has been hard hit; and

(*ii*) that the Bengal Telephone Corporation have made no reduction in their charges?

(*c*) Is it a fact that the telephone charges in Calcutta work out to be higher than that in Bombay or even Madras?

(*d*) Is it not a fact that while in London, the subscribers are paying 15d. per dozen calls, in Calcutta the amount they pay for the same number of calls works out to 18d.?

(*e*) Are the Government considering the desirability of addressing the Telephone Corporation for a substantial reduction in their charges?

(*f*) Has the attention of the Hon'ble Member been drawn to a feeling of grievance amongst the public of the city that the bills submitted by the Corporation generally do not tally with the actual number of calls made?

(*g*) Are the Government considering the desirability of requesting the Company to adopt a flat rate as in Bombay?

(*h*) Has the Hon'ble Member received any reports showing that the automatic system is working successfully in Bombay, Madras and other places?

(*i*) Are the Government considering the desirability of impressing upon the Bengal Telephone Corporation for the introduction of the automatic system in Calcutta?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) No.

(*b*) (*i*) Government are aware that the last three years have been marked by a severe depression in trade.

(*ii*) Yes.

(*c*) No. In Bombay there is a flat rate of Rs. 300 per annum. During the twelve months ending June, 1934, twenty-six per cent. only of the subscribers to the Bengal Telephone Corporation paid more than Rs. 300. The average amount paid by all subscribers during the four months July to October, 1934, was as follows:—

July—Rs. 23-2-1.

August—Rs. 23-4-10.

September—Rs. 23-4-9.

October—Rs. 22-15-3.

Government have no information regarding the incidence of charges in Madras.

(*d*) Government are informed that the figures are approximately correct.

(*e*) No. The Hon'ble Member is doubtless aware that under the Government of India Act, telephones constitute a Central subject.

(*f*) No.

(*g*) to (*i*) No. Under the Government of India Act, telephones constitute a Central subject.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether Government intend to make a representation to the Government of India if it is found that a public grievance exists?

The Hon'ble Sir JOHN WOODHEAD: Yes, if we are satisfied.

Babu SATISH CHANDRA RAY CHOWDHURY: With reference to (a) to (i), did the Hon'ble Member make an inquiry as to the existence of a public grievance?

The Hon'ble Sir JOHN WOODHEAD: No, Sir.

Application of 15 per cent. cut to Assistant Surgeons promoted to Civil Surgeonship.

*9. **Babu KISHORI MOHAN CHAUDHURI:** (a) Is the Hon'ble Member in charge of the Finance Department aware—

(i) that the 15 per cent. cut in salary is enforced in the case of officers promoted to the rank of Civil Surgeons from Assistant Surgeons before the 21st July, 1931;

(ii) that in the case of Munsifs promoted to Subordinate Judges the said cut of 15 per cent. is not enforced;

(iii) that the Surgeon-General and the Accountant-General of Bengal raised objections to such cut of 15 per cent. in the case of officers mentioned in (i) above; and

(iv) that under Government resolution No. 3219-F., dated the 7th August, 1931, the 15 per cent. emergency cut is to apply only to future recruits?

(b) If the answers to (a) are in the affirmative, will the Hon'ble Member be pleased to state the reasons for the enforcement of the cut on the salary of the Assistant Surgeons promoted to Civil Surgeons before the 21st July, 1931?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (a) (i) No. The 15 per cent. cut was not applied to Assistant Surgeons promoted to be Civil Surgeons on or before the 21st July, 1931.

(ii) Yes.

(iii) A communication on the subject of the application of the 15 per cent. cut to Assistant Surgeons promoted to the higher duties of Civil Surgeons was received from the Surgeon-General in April, 1934, but no communication from the Accountant-General is traceable.

(*iv*) The Government resolution, to which the Hon'ble Member refers, laid down that "new appointments" made after the 21st of July, 1931, should be made on a provisional basis, and carry pay at the current rates less 15 per cent.; and they made it clear that "new appointments" included not merely appointments of new recruits to Government service but also promotions to higher duties of persons already in Government service.

(*b*) As I have explained, the 15 per cent. cut was not applied to Assistant Surgeons promoted to be Civil Surgeons before the 21st of July, 1931.

Staff for administration of Wakf Act.

*10. **Maulvi NURAL ABSAR CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is intended to make additional appointments for the work imposed by the Bengal Wakf Act?

(*b*) Are the expenses of administration of the Wakf Act to be met by the Wakf Estates themselves?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, are the Government considering the desirability of giving these new appointments exclusively to the beneficiaries and dependants of the Wakf Estates? If not why not?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) Yes, when the main provisions of the Act come into force, but the power of appointing the staff is vested in the Commissioner of Wakfs.

(*b*) Yes.

(*c*) In view of the answer to (*a*), this question does not arise. It may, however, be added that Government propose to appoint a Special Officer with a very small staff to carry out a preliminary survey under section 2 of the Act; for obvious reasons, it is not possible in making these appointments to adopt the principles suggested in (*c*).

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Minister be pleased to state what is going to be the pay of the Special Officer?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That has not yet been settled.

Salt manufacture for domestic purposes.

*11. **Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Minister in charge of the Revenue (Excise) Department be pleased to state—

(*i*) whether there is any objection on behalf of the Government to persons of a family, living by the side of sea or saline river in Bengal, preparing salt for their domestic purpose; and

(*ii*) whether there is any objection on behalf of the Government to members of such a poor family getting rice, cloth, etc., in exchange for their prepared salt?

MINISTER in charge of REVENUE (EXCISE) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*i*) No.

(*ii*) No, provided the conditions mentioned in Government of India's press communiqué of 22nd May, 1931, are complied with.

Tangi-Tangail-Singhjhani Railway project.

*12. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state at what stage the Tangi-Tangail-Singhjhani or Mymensingh Railway project stands at present?

(*b*) When is it proposed to give effect to the aforesaid railway scheme?

(*c*) If the scheme is to be given effect to, will the Hon'ble Member be pleased to state the precise date when it will be taken up?

MEMBER in charge of PUBLIC WORKS (RAILWAY) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) The question of the alignment to be followed is still under consideration. A survey is expected to be undertaken this cold weather.

(*b*) and (*c*) It cannot yet be stated when it will be possible to give effect to the scheme.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether Government intend to expedite the matter as much as possible?

The Hon'ble Sir JOHN WOODHEAD: The survey is made by the Railway Board and I have no doubt that they will expedite it as much as possible.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Bengal Code.

9. MUNINDRA DEB RAI MAHASAI: (*a*) Has the attention of the Hon'ble Member in charge of the Legislative Department been drawn to the fact that almost all the Bengal Acts and local Acts of the Governor General of India in Council meant for Bengal have been amended?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, are being taken to bring out an up-to-date edition of the Bengal Code?

(*c*) Is the Hon'ble Member aware that all other provinces have brought their Codes up to date in spite of the financial stringency in which they are?

(*d*) Is it not a fact—

(*i*) that normally a large sale is made of this publication, and

(*ii*) that there is a great demand by both officials and non-officials for copies of a new edition?

(*e*) What are the reasons for the delay in taking the matter into consideration?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes, a large number of the enactments published in the current edition of the Bengal Code have been amended. Correction slips and reprints of Bengal Acts, India Acts, etc., are issued by the Legislative Department to keep the Code corrected.

(*b*) The matter is under consideration.

(*c*) Government have no information.

(*d*) (*i*) No. Only Rs. 2,244 was realised from all sales of the current Code against a cost of over Rs. 60,000.

(*ii*) No. Very few applications have been received.

(*e*) The present financial position of the province is the main reason for the delay.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Alluvial Lands (Amendment) Bill, 1934.

The discussion on the Bengal Alluvial Lands (Amendment) Bill, 1934, was resumed.

Clause 4.

Maulvi ABUL QUASEM: I move that in clause 4 (*3*), in proposed sub-section (*1a*) of section 5, lines 5 and 6, for the words "on the parties to the reference," the words "on all the persons mentioned in the list of claimants referred to in section 4A" be substituted.

Sir, my amendment is not a substantial amendment. I want to amend the clause for the sake of uniformity. In the proposed sub-clause (*1a*) the words "parties to the reference" are used, but in that very same clause later on, that is, in the second paragraph of sub-section (*2*) the words "all the persons mentioned in the list of claimants" are to be used. So for the sake of uniformity I propose the same words in sub-clause (*1*). It is not a material amendment and so I hope Government will accept it.

Mr. O. M. MARTIN: Sir, there is no substance in this amendment. The wording is perfectly clear as it stands. Moreover, I may point out that the section, as it stands, will make it permissible for the Collector to advance process fees for notice to any parties which the Court may subsequently add. For these reasons the proposed amendment does not appear to be an improvement on the drafting.

I oppose the motion.

The motion being put, a division was taken with the following result:—

AYES.

Banerji, Mr. P.
Choudhury, Maulvi Nurul Absar.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Khan, Maulvi Tamizuddin.
Qadiri, Mr. Mahmud Bakery.

Quasem, Maulvi Abul.
Rahman, Maulvi Aziaur.
Rout, Babu Hemant.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.

NOES.

Afzal, Nawabzada Khwaja Mahammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emadeddin.
Armstrong, Mr. W. L.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Benjamin, Mr. H. D.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Chaudhuri, Khan Bahadur Maulvi Ajimazzaman.
Cohen, Mr. D. J.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Mr. G. S.
Foroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. B. N.
Gladding, Mr. B.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Martin, Mr. O. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Raheem, Mr. A.
Rai Mahasai, Manindra Deb.
Ray Chowdhury, Babu Satish Chandra.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Ray, Mr. Saileswar Singh.
Sarker, Rai Bahadur Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

The ayes being 11 and the noes being 41, the motion was lost.

Maulvi ABUL QUASEM: I move that in clause 4 (*4*) (*ii*), in the proposed amendment of section 5, line 3, after the words "due to," the words "wilful default or" be inserted.

The Hon'ble Sir BROJENDRA LAL MITTER: I accept the amendment.

The motion was put and agreed to.

Maulvi TAMIZUDDIN KHAN: I move that in clause 4 (*4*) (*ii*) in the proposed amendment of section 5, in the penultimate line, for the words "that he had no means of knowing" the following words be substituted, namely:—

"that he had no knowledge."

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I accept the amendment.

The motion was put and agreed to.

Maulvi ABUL QUASEM: I move that in clause 4(*4*)(*ii*) to the proposed amendment of section 5, after the word "attached," in the last line, the following be added, namely:—

"or that he was kept from the knowledge of the attachment of the land by means of fraud."

Sir, the language I am suggesting is the well-known language used in section 18 of the Indian Limitation Act. It is quite conceivable that people who are interested in keeping certain other people from preferring their claims may collude with the process-server to keep them in ignorance about all these proceedings which are going on before the Collector and if a particular claimant who comes at a later stage can satisfy the Collector that he was kept from the knowledge of such proceedings by some of the interested claimants, he ought to be allowed to appear as a claimant. Hence my amendment.

The Hon'ble Sir BROJENDRA LAL MITTER: I oppose the amendment as being absolutely unnecessary, in view of the amendment which has just been accepted. Now the amendment which has been accepted reads likes this—"A person pleading ignorance on the issue of the notice under that sub-section shall not be made a party to the reference unless he proves to the satisfaction of the said Court that he had no knowledge that the land had been attached." If he had no knowledge, then the words proposed in the amendment, viz., "that he was kept from the knowledge of the attachment of the land by means of fraud" are quite unnecessary. If he was kept from that knowledge, then it followed that he had no knowledge. We have already accepted that. Therefore, I oppose this amendment.

The motion was then by leave of the Council withdrawn.

Maulvi ABUL QUASEM: I move that in clause 4 (5) in proposed sub-section (7) of section 5, line 4, for the word "account" the word "amount" be substituted.

The Hon'ble Sir BROJENDRA LAL MITTER: I accept the amendment.

The motion was put and agreed to.

Maulvi ABUL QUASEM: I move that in clause 4 (5) in proposed sub-section (8) of section 5, lines 4-7, for the words beginning with "claimants mentioned" and ending with "think necessary," the words "parties to the reference as may prosecute their claims" be substituted.

Sir, the intention here is that no reference shall be dismissed on account of the default on the part of any claimant. That is the intention is that those claimants who will be actively and diligently prosecuting their claims shall be entitled to their claims being considered. But if you have the words "after taking evidence of such of the claimants as the Court may think necessary," a difficulty will arise, inasmuch as those claimants who are not prosecuting their claims may

also be examined by the Court. Therefore, to carry out the intention of the Act, I suggest the wording proposed in my amendment. I trust that Government will see their way to accept it.

Mr. O. M. MARTIN: I oppose the amendment. The idea of the amendment is that any party to the reference who does not prosecute his claims before the Court is not to be examined by the Court. This principle, Sir, does not seem to be proper. It is much better for the equitable decision of cases that the Court should have authority to examine any party whether he prosecutes his claims or not.

The motion was put and lost.

Maulvi ABUL QUASEM: I move that in clause 4(*5*) in proposed sub-section (*8*) of section 5, line 4, before the word "Collector," the word "the" be inserted.

The Hon'ble Sir BROJENDRA LAL MITTER: I accept it.

The motion was put and agreed to.

Clause 4.

The motion that clause 4, as amended, stand part of the Bill was then put and agreed to.

Clause 5.

The motion that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

Mr. MUKUNDA BEHARY MULLICK: I beg to move that in clause 6 (*4*) for proposed clause (*6a*) of section 8, the following be substituted, namely:—

"(*6a*) Any money lying in deposit with the Collector on account of any attached land after the final disposal of any proceeding under this Act and not withdrawn by any party within five years following such final determination, shall be forfeited and paid to the district board of the district for the improvement of health and free primary education in the district."

The proposed sub-clause should be omitted, and there can be no necessity or justification for creating such a fund. It is my information, that large sums of unclaimed money are lying with the Government as receipts from these alluvial lands unclaimed by anybody, and

it is desirable that all such moneys should be paid to the district board of the district for the improvement of health and free primary education of the district. Although this Council has passed the Act of free primary education, yet the said legislation is starving for want of any finance, and if you agree with me in this respect you will be doing a good deal towards the advancement of the said cause without in any way taxing further the highly taxed people. You have made similar provisions in the case of unclaimed landlords' fees in the Bengal Tenancy Act of 1928. It is for all these considerations I propose that the sub-clause (*6a*) be substituted as suggested above.

Mr. SARAT KUMAR ROY: Sir, I appreciate that a period of five years is sufficiently long enough for a man to come and receive money due to him. But it may so happen that due to minority and various other modes of incapacity, he may be prevented from coming and withdrawing the money lying in deposit with the Collector. Under such circumstances, he should not forfeit his claim to his dues.

In the next place, no case has been made out by the mover to show that there are good grounds for such forfeiture. In these hard days, I think no one should lose what rightfully belongs to him. I therefore consider the motion for the forfeiture clause uncalled for. So I oppose the motion.

(At this stage the Deputy President vacated the Chair which was taken by the Hon'ble President.)

Mr. O. M. MARTIN: I rise to oppose this amendment. It has been moved wtih the double object, first of all to abolish the provision for creating an Alluvial Lands Dispute Fund, and, secondly, in order to ensure that the amounts deposited out of the proceeds of the *char*, should go after a certain time to the district board. I do not understand why the provision for the Alluvial Lands Dispute Fund should be deleted from this Bill. It will not be necessary in every district, but there are many *chars* under attachment in a district, say, like Dacca, and the Fund will be very useful for the preliminary expenses for the management of a *char* which is not actually under cultivation at the time of attachment, the expenses being subsequently adjusted when some income is derived from the *char*. Again, it is not understood why this money should be forfeited after five years. It is not Government money, and it belongs entirely to private parties, and no real difficulty should be found, when this new Act comes into force, in getting a decision from the Civil Court as to whom this money belongs.

For these reasons, this amendment must be opposed.

The motion was put and lost.

The motion that clause 6 stand part of the Bill was put and agreed to.

New clause 7.

Mr. MUKUNDA BEHARY MULLICK: I beg to move that after clause 6 the following be added, namely:—

Insertion of new section 11.

"7. After section 10 of the said Act, the following section shall be inserted, namely:—

'11. The Commissioner of the division and ultimately the Board of Revenue may, either of its own motion, or upon the application of any party, call for and examine the records of any proceedings before any Collector under the Bengal Alluvial Lands (Amendment) Act, 1934, for the purpose of satisfying himself or itself as to the correctness, legality, or propriety of any finding or order recorded or passed and as to the regularity of any proceeding of such Collector and may exercise all the powers conferred upon a Court of Appeal.' "

I propose to insert this clause in the Act, whereby either the Divisional Commissioner or the Board of Revenue, or the High Court should be explicitly given the powers to see the legality, propriety or otherwise of any finding or order recorded or passed if it has been done in consonance with the spirit and letter of the Act. You have in this proposed legislation given wide powers to the Collectors even that of receiving claims, omitting the names of some of the parties as claimants, restricting the Civil Courts in respect of its powers of adding necessary parties to the suit, etc., and accordingly in the interest of justice it is highly desirable that the orders passed by the Collector should be subject to revision by some higher authority. It constantly so happens that where the Collector acts under other statutes, his orders are always subject to revision and in asking you to make this provision I am not doing any more than what ordinarily exists under other laws now in force.

The Hon'ble Sir BROJENDRALAL MITTER: I oppose this amendment. The proceedings before a Collector under this measure will be a preliminary investigation for the purpose of a reference to a Civil Court, the Civil Court being the real adjudicating authority. Now what is the point in giving power at the preliminary stage to the Commissioner, and then to the Board of Revenue, when their adjudication can never be final because the matter must go before the Civil Court. It is to the interest of everybody concerned that the preliminary proceedings should be speedily concluded at the cheapest cost and a reference made to the Civil Court. That being so, the proposed appeal to the Commissioner and the Board of Revenue will only hold up the reference and add to the cost and will be of no benefit to everybody concerned.

The motion was put and lost.

Preamble.

The motion that the preamble do stand part of the Bill was put and agreed to.

The Hon'ble Sir BROJENDRALAL MITTER: I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Calcutta Improvement (Amendment) Bill, 1934.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Calcutta Improvement (Amendment) Bill, 1934, be taken into consideration.

The object of this short amendment has been clearly stated in the Objects and Reasons of the Bill. Under section 78 of the Calcutta Improvement Act, the Calcutta Improvement Trust is now entitled to exempt from acquisition any portion of land acquired, but not found necessary for improvement, and the party who secures the exemption can either pay for it or leave the price as a perpetual charge on payment of interest at 6 per cent. That is the existing law. When this Act was placed on the statute book in 1911, the rate of interest was 4 per cent., but as during the War the rate of interest went up, the Act was amended in 1923 and the rate increased to 6 per cent. That is the rate at present. Government are of opinion that in view of the fact that the money market is not so easy, on the money borrowed by it, and the Improvement Trust has not to pay so much as 6 per cent., it would not be fair to charge from the public that high rate of interest. But it is difficult to fix any rate of interest which will operate fairly for a number of years, and it is now proposed that the Act should be amended so as to provide Government with power to fix any rate of interest not exceeding 6 per cent. That is the amendment proposed in this Bill. It is a very short and simple measure and it is in the interest of the public of Calcutta, so I would request the House to accept the amendment.

The motion was put and agreed to.

Clauses 1, 2 and 3.

The motion that clauses 1, 2 and 3 stand part of the Bill was put and agreed to.

Preamble.

The motion that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Calcutta Municipal (Amendment) Bill, 1934.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Calcutta Municipal (Amendment) Bill, 1934, be taken into consideration.

The object of this Bill is to empower the Corporation of Calcutta to make grants to *tols* and *maktabs*, as well as to institutions where people engaged in manual labour will receive primary education, but so far as these institutions are concerned, the age-limit fixed by section 91 of the Calcutta Municipal Act with respect to primary education will not be applicable. That is the principal change. In fact, the Calcutta Corporation was making contributions to *tols*, but since the passing of the Calcutta Municipal (Amendment) Act in 1933, the auditors have taken objection to such contributions, and that has necessitated this amendment.

The motion was put and agreed to.

Clause 1.

The motion that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

Maulvi ABUL QUASEM: Sir, I beg to move that in clause 2, in proposed clause (*xiiia*) of section 477, in line 4, after the word "*tols*" a comma and the word "*madrassas*" be inserted.

With your permission, Sir, I would like to correct a mis-spelling of the word "*madrassa*". There should be an "h" after the last "a". Sir I spelt the word like that, and the misprint is not due to me. The proposal is that the Calcutta Corporation should be allowed to make contributions to *tols* and *maktabs*. Sir, it may not be known to some

that the *maktabs* are primary institutions, whereas the *tols* are institutions where the highest Sanskrit learning is imparted to the pupils. Now, Sir, *maktabs* and *tols* cannot be classed together. If *madrassahs* are taken along with these *maktabs*, in that case between them these two will make up what may be termed as the Islamic counterpart of "*tols*". There are many *tols* in Calcutta which impart the highest Sanskrit learning, and if the Calcutta Corporation is to be allowed to make grants to them, it should be enabled to make contributions to the *madrassahs* as well. For these reasons, I want that the word "*madrassahs*" should be inserted in this clause.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am sorry I cannot accept the amendment as it is, but I am prepared to accept the amendment with some modification. If the hon'ble member would agree to the adding of the word "junior" before the word "*madrassahs*," Government would accept the amendment. (A VOICE: Why?) Because we consulted the Education Department on this question, and that deparment were of opinion that the junior *madrassahs* corresponded to the primary standard. And the object of this amendment is to enable the Calcutta Corporation to make grants to primary schools and to junior *madrassahs* or any other schools corresponding to primary schools. So, Sir, the adding of the word "junior" would solve the difficulty, and I hope my friend will find his way to accept it.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I am afraid I cannot understand the proposal of the Hon'ble Minister for Local Self-Government for qualifying the "*madrassahs*" by the word "junior" for the purpose of enabling the Corporation to give them aid. As far as I understand, *tols* stand exactly on the same footing as *madrassahs*—both of the old type and new type. Whether there are new types of *tols* I do not know. But the old type of *tols* are exactly the same as the old type of *madrassahs*. In the case of *tols* no restriction is made as regards the standard to which they are going to teach. Why therefore a distinction is sought to be made in the case of *madrassahs*, viz., that those which are only junior *madrassahs* should be helped, and not the full fledged *madrassahs*? I am surprised to hear that the Education Department has made this recommendation. I do not know under what authority they made such a recommendation. In practice, this amendment of the Hon'ble Minister will be absolutely useless since so far as Calcutta is concerned we do not have any junior *madrassahs* here and not likely to have any in the near future. Junior *madrassahs* are a sort of half-way house for preparing boys, just as in a preparatory class, for taking to English education if they want; those who don't want to take up English education, prefer to go to the old type *madrassahs* particularly so far as Western Bengal and Calcutta are

concerned. I therefore very strongly support the amendment of my friend Maulvi Abul Quasem, and I think in fairness Government should accept it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In view of what has been stated by Khan Bahadur Momin it seems there has been some misunderstanding on the point and Government are prepared to accept the amendment.

The motion of Maulvi Abul Quasem was put and agreed to.

The motion that clause 2, as amended in Council, stand part of the Bill was put and agreed to.

Preamble.

The motion that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal, Agra and Assam Civil Courts (Bengal Amendment) Bill, 1934.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to move that the Bengal, Agra and Assam Civil Courts (Bengal Amendment) Bill, 1934, be referred to a Select Committee consisting of—

(1) Mr. N. G. A. Edgley,
(2) Mr. A. deC. Williams,
(3) Mr. Narendra Kumar Basu,
(4) Babu Jatindra Nath Basu,
(5) Rai Sahib Akshoy Kumar Sen,
(6) Maulvi Tamizuddin Khan,
(7) Rai Sahib Sarat Chandra Bal,
(8) Maulvi Abul Quasem,
(9) Mr. A. R. E. Lockhart,
(10) Mr. H. S. Suhrawardy,
(11) Babu Hem Chandra Roy Choudhuri, and
(12) the mover,

with instruction to submit their report by the end of January, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

This is a very simple measure for extending the pecuniary jurisdiction of *munsifs* and subordinate judges. I hope members will agree with me that if there be any body of officers in this country who deserve well of us it is the *munsifs* and the subordinate judges. They have proved their capacity to the satisfaction not only of the authorities but also of the litigants, the legal profession and of everybody concerned. In view of their proved capacity, the Civil Justice Committee —as far back as nearly ten years ago—recommended that the time had come when the pecuniary jurisdiction of the *munsifs* and subordinate judges should be raised. They recommended that selected *munsifs* on the recommendation of the High Court might be empowered to try suits up to the value of Rs. 5,000 instead of Rs. 2,000, which is the present limit, and that the Small Cause Court jurisdiction of *munsifs* should be raised from Rs. 250 to Rs. 500 and that of the subordinate judges from Rs. 500 to Rs. 1,000. That is the whole of the Bill. This question as regards the pecuniary jurisdiction was considered very carefully by the Civil Justice Committee who examined Judges, and professional men as well as persons interested in this sort of litigation, and they unanimously came to the conclusion that the time had come for raising the jurisdiction of these Courts.

Mr. MUKUNDA BEHARY MULLICK: I beg to move that the Bill be circulated for the purpose of eliciting public opinion thereon before the 1st April, 1935.

In moving this amendment of mine I am fully alive to the sense of my responsibility as a member of this House. May I ask, Sir, as to the reason that has induced the Government to come forward with a Bill of this nature at this particular point of time? Sir, in the Statement of Objects and Reasons of the Bill it is said that the Bill has been sponsored and introduced as a result of the Report of the Civil Justice Committee which suggested that officers of this type, viz., selected *munsifs* and subordinate judges, should have a wider jurisdiction in respect of the value of suits brought before them. Sir, that committee sat and reported in 1924, that is, as long as ten years ago, and I do not know why a Bill has been introduced on their recommendation after these ten years. An answer for this has not been found anywhere, nor, if I have been able to follow the Hon'ble Member rightly, has he been able to give an answer on this particular point. But what is the explanation of this belated display of respect for the Report of the Civil Justice Committee, which sat and gave their verdict ten years ago? The reasons, Sir, are not far to seek, and I hope you will excuse me if I do not hazard any opinion as to those reasons.

The Hon'ble Member has been pleased to state that the Bill is of a very simple nature; but I say that the consequences of this Bill will

be of a far-reaching character not only to the litigants, but also to every one who possesses some little piece of land in this unfortunate province of ours. The powers that are sought to be given to these officers now by this Bill will be found in clauses 5 and 6. They are, that so far as the Small Cause Court powers of a *munsif* are concerned they are going to be doubled from Rs. 250 to Rs. 500 and those of subordinate judges also are going to be doubled from Rs. 500 to Rs. 1,000. With respect to the ordinary jurisdiction of the pecuniary value of suits, it is suggested in these clauses of the Bill that selected *munsifs* who are now vested with powers to try suits up to the value of Rs. 2,000 will be empowered to try suits up to the value of Rs. 5,000, while we know that the values of suits which are now tried by the subordinate judges are unlimited. I hope that you will excuse me if I say that we have had very sad experience of the use of these summary powers by these judges and *munsifs*. That is why I am not at all prepared to increase the valuation of these suits and allow these officers to try suits of such value at this particular moment of time.

But if Government have been labouring under some sort of difficulty for some years, I would submit that a Bill of this nature will not solve their difficulty. If congestion is their complaint, that is the case from the highest to the lowest Court, a Bill of this kind will not solve that difficulty. Congestion must always be when we find a judge taking half-an-hour's to one hour's time in deciding whether 7 days or 15 days should be allowed to a party to deposit their process-fees, or to take steps in prosecution of their suits. If things go on like this congestion there must be, but their solution is not to be found in a Bill of this nature. There must be delay when a judge is anxious to dispose of cases not by trying to decide them but by striking them off his file in almost a frivolous manner. We have had many instances when cases were not heard when parties were present with their witnesses and evidence on several occasions, but if on the last day a party has failed to appear on account of a serious illness in his house, the judge has disposed of the case for default of the party. An application for time on these grounds is rejected as frivolous and the suit struck off. That is disposal indeed, but it is not decision. There are various other causes like this, and I for one am not at all prepared to vest these officers with larger pecuniary powers, at least at this particular moment.

What is the effect of a Bill of this nature going to be? The effect will be that the number of appeals is going to be cut down and also that the litigant public will lose confidence in the administration of justice. Hitherto, the litigant public know that the facts which have been investigated in a subordinate trial Court may be recapitulated before a Court of Appeal with superior jurisdiction, with greater

experience and if this right is gone, litigant public will surely lose confidence in judicial administration. I may be permitted to warn the Government not to take up this measure now, which will certainly work mischief as it will take away a goodly portion of their revenues derived from court-fees. That is why I am asking that the Bill be circulated just to have the opinion of responsible associations and the public as to what they think of this measure. If these are the consequences which this Bill will inevitably have, I submit in the interests of the persons who are going to be affected by the provisions of this Bill, that they should be allowed to give their opinion on this particular measure.

Bar Associations exist in all the districts and subdivisions of this province, and they are in direct touch with the litigant public, and there is no reason why they should not be heard as to what they have to say on this particular measure. Members of the legal profession who help Government in the administration of justice should also be taken into confidence in this matter.

Therefore, I feel that a measure of this nature had better be left to the reformed Legislature after the Reforms are introduced, and the Government would be well advised to drop the measure at the moment. If they do not, I move that the Bill be circulated for eliciting public opinion thereon before the 1st April, 1935.

Maulvi ABDUS SAMAD: Sir, I give my whole-hearted support to the amendment just now moved by the previous speaker. My amendment is similar to the previous one except that there is a difference in date.

Mr. PRESIDENT: Then you are not moving your amendment. Do you accept the date proposed in the previous amendment?

Maulvi ABDUS SAMAD: Yes, Sir, I accept the date given in the previous amendment.

Mr. PRESIDENT: Then you had better speak after Babu Khetter Mohan Ray has moved his amendment.

Babu KHETTER MOHAN RAY: I do not move.

Babu KISHORI MOHAN CHAUDHURI: Sir, I also accept the time-limit suggested by Mr. Mukunda Behary Mullick and do not move my amendment.

Maulvi ABDUS SAMAD: Sir, the Bill seeks to introduce changes of a far-reaching consequence because if passed into law it will raise the jurisdiction of the *munsifs* in suits of Small Cause Court nature from Rs. 250 to Rs. 500 and that of the subordinate judges from Rs. 500 to Rs. 1,000. That means it deprives the litigants of their right of appeal in money suits between Rs. 500 and Rs. 1,000. This will certainly create a hardship to the litigant public. It is necessary that the members of this Council should be in possession of facts showing the number of appeals which are generally preferred before the District Judges in money suits valued at between Rs. 500 and Rs. 1,000, so that they may be in a position to know to what extent this measure will cause hardship to the litigant public. The motion before the House simply urges that the Bill be circulated for the opinion of the district judges, the Bar Associations and the public. I don't think it is a measure of such an emergent nature that it should be hurried through in the very session in which it has been introduced. I would therefore request the Hon'ble Member in charge of the Bill to accept this motion for circulation.

Babu KISHORI MOHAN CHAUDHURI: Sir, I fully agree with my friend Mr. Mukunda Behary Mullick that this is not the time when this Bill should be taken into consideration or should be hurried through and referred to the Select Committee to create a favourable opinion for its immediate passing. In this case it is neither a very easy question nor a very simple matter. It is a question in which the interests of the public at large are greatly involved. In the *munsifs'* Courts cases of higher value cannot be properly gone into. They have to deal with so many cases—original, Small Cause Court, and rent cases that they have hardly got any time to deal properly with cases of higher value, and so the Small Cause Court power should not be extended further. The presence of the appellate power is a check upon the judiciary in the trial of cases of this nature. These cases ought not to be considered as simple cases and there is no special necessity for raising their power to deal with these matters. If there be any necessity, as Mr. Mullick has already said, after ten years, then why this time has been selected for hurrying through this measure is really inexplicable to us. If there is any necessity, the public at large should be given an opportunity to consider this measure. We in the mufassal know well that in the *munsifs'* Courts cases of higher value are not properly dealt with. Generally, there is a tendency to dismiss these cases for default or on some frivolous grounds. I fully agree with Mr. Mukunda Behary Mullick that it is not the proper time to deal with this measure, and it will be better for Government to drop it for the present. Of course, after the Reforms are introduced

should be possessed by the judges, and what amount of money can be spent for the judiciary may be seriously considered. Simply minimising the number of appeals should not be the object of Government. The serious nature of the cases, especially of higher value, should be taken into consideration. For these reasons I think it would be better if it could be dropped for the present. If the Government is very anxious to proceed with it, at least it should give the public an opportunity to think over the matter and express an opinion in what way they would like to deal with the question, whether they would like summary trial or that the Judges should have sufficient time to deal with the matter involved in these cases. With these words I support the amendment.

Babu SATISH CHANDRA RAY CHOWDHURY: Mr. President, Sir, I believe I am giving expression to the strong sentiments of the lawyers of this country when I say that the time is not very opportune for the introduction of this measure, and I believe that even now we can claim that the lawyer's voice and sentiments ought to count in the matter of legislation. There is a suspicion that the Government has brought forward this Bill along with the Court-fees Bill, with a view to withhold justice from the members of the public. You cannot by your simple *ipse dixit* take away the privileges that are enjoyed by the litigants and the lawyers. This Bill clearly aims at economy. The first part of the Bill proposes to raise in one section the jurisdiction of selected *munsifs* from Rs. 2,000 to Rs. 5,000. It cannot be unknown to the Hon'ble Member that nowadays the value of lands has fallen very much with the result that the valuation of suits also has gone down considerably. A plot of land or an estate which would have been valued at Rs. 5,000 previously fetches at present no more than Rs. 1,000. So practically by this measure you are proposing to raise the jurisdiction of the *munsifs* to something like Rs. 25,000. This restricts the power of the subordinate judges to a great extent.

There is another side of the question which ought to be considered. The litigants generally want to have their cases tried by the higher judiciary, the subordinate judges, who have just now received a certificate from the Hon'ble Member himself, and I am prepared to agree with him. As a matter of fact, if one looks at the Privy Council cases, one will find that the judgments of the subordinate judges have in many cases been upheld even over the judgment of the High Court Judges. In fact, people generally do like to have their cases tried by them. There is already a grievance amongst the litigant public that when they are paying the revenue—and we all know that the revenue derived from the Administration of Justice is much greater than the expenditure—they have the right to get their cases tried by the best judges. People who pay the piper have the right to call for the tune.

But you want practically to thin the ranks of the subordinate judges and have *munsifs* in their place to try cases. I may tell the Hon'ble Member that the feeling is fast gaining ground that this is what is really aimed at at the cost of justice and efficiency too. Justice should be administered in a manner that the people may feel that justice has been done. It may be that people get the same kind of justice sometimes from the *munsifs* and subordinate judges, but it should not be forgotten that they want the trial of their cases in a better judicial atmosphere for which people are prepared to pay higher rates. Therefore, from the point of view of the litigant public as well as of the lawyers there is no point that there should be this increase in the jurisdiction of the *munsifs*. If the demand had gone forth in their favour, Government might well consider the position and try to satisfy the public who really pay for justice. But, as a matter of fact, they are sure that if this Bill be circulated, protests will come not only from the District Bar Associations but also from the Subdivisional Bar Associations, and the litigant public as well. So, Sir, this Bill ought not to be hastened like other emergent Bills; it ought to be circulated in order that Government might have the best possible advice on the matter and that full light might be thrown on the whole question. Now, the only reason for bringing in this Bill at this time is a recommendation from the Civil Justice Committee. We had a short time ago to deal with another recommendation of that Committee, which was unearthed by one of our members; it was brought forward with the object of making justice in the Small Cause Courts very costly; ultimately, Government had to give way. We have here the Report of the Civil Justice Committee, which is a decade old. Much water has not only flown down the Ganges but down all the rivers of Bengal, on which most of the mufassal and district headquarters are situate. It seems surprising, Sir, that after this lapse of time Government have taken into their head to unearth this recommendation of the Civil Justice Committee for the purpose of economy. We are almost convinced that Government are really trying to find out ways and means of increasing their revenue, they being hard hit. I would, however, ask them, Sir, to touch other sources of revenue, and not to defile the fountain of justice even for the sake of economy.

Now, Sir, as regards the question of raising the jurisdiction of Small Cause Courts in suits from Rs. 500 to Rs. 1,000, I feel bound to say that the Hon'ble Member is ignorant of the general economic condition of the country. The amount of Rs. 1,000 in a money suit is not a matter of joke to many of our poor countrymen; as a matter of fact, if the Hon'ble Member would care to inquire into the state of things in the district headquarters, he would find that there are very few such cases—the number will not exceed, I am sure, 15 per cent., of the total number of suits where the valuation is more than

Rs. 1,000 in money suits. Sir, that is the state of things in the districts. You should not judge by the standard of richer countries. The amount of Rs. 1,000 is an amount which will really adversely affect most of the people; as a matter of fact, it may even spell ruin to many if they are denied justice in cases the valuation of which approximate Rs. 1,000. So, these cases should be tried by *pucca* and experienced judges and should not be left to the whims and caprices of ordinary inexperienced judicial officers, who, as Mr. Mullick has very aptly pointed out, are often unable to do justice to the cases entrusted to them. The fault may be due to their own negligence or laches or to their being overworked. I do not wish to speak ill of them, inasmuch as their files may be so congested and they may be so busy with the cases that they cannot give that amount of time and attention to their work, which they ought to do. And if they are invested with summary jurisdictions to try suits of such value, then, I am sure, justice will fly by the back-door. By raising the value you are taking away the very right, which is very much valued by all classes, viz., the right of appeal. This right of appeal, which even at times is denied in regard to cases of the value of Rs. 250—which limit is sometimes felt a bit too high—is being denied. And if you go on increasing the limit, the hardship will be all the more greater. Why not invest the presidents of union boards with powers of trying cases of the value of Rs. 1,000; that will be an economy—and economy with vengeance at that. As a matter of fact, you will then be able to give short shrift to lawyers and agitators in the country to a great extent. In a matter like this before moving one step further, you ought to take the opinion of the legal profession, which is very much affected. To hurry a measure like this would be laying the Government open to being misunderstood by the people. Therefore, Sir, I appeal to the Hon'ble Member, who is full of legal instincts, to accept this motion for circulation. If this motion be put to a division, I would appeal to all lawyer members of this House—and also even to the non-lawyer members, who also represent litigants—to support Mr. Mullick, who has made a very reasonable demand, and to go into the lobby with us.

Dr. NARESH CHANDRA SEN GUPTA: Sir, more than one speaker has asked why ten years after the Report of the Civil Justice Committee was published their recommendations, one after another, should be unearthed like precious gems and dropped on our heads. Perhaps, the recommendations of the Civil Justice Committee were too good to be given effect to at once, or perhaps it is this lapse of ten years that has made the Government realize the great virtues contained in that neglected Report. Whatever may be the case, there is no doubt that the present discovery of Government and the present

proposal of Government based upon this late discovery has no merit to support it, and on the top of it there are no reasons whatsoever why this proposal should be hurried through the Council in this fashion without being circulated for eliciting public opinion.

Sir, the reason for investing *munsifs* with jurisdiction to try suits of the value of Rs. 5,000 instead of their present maximum jurisdiction of Rs. 2,000 has been given by the Hon'ble Member in charge of the Bill. It is that these deserving officers have proved their capacity for doing more responsible work. I am delighted to hear of it. I do not for one moment wish to suggest that these *munsifs* are not deserving officers and that they are not capable of doing their work dutifully. Sir, considering the enormous difficulties under which they have to work, the tremendous congestion of work, the absence of all legal literature within their reach and the rush with which they are to work, they are doing the work just as well as they might. But if the Government realize that here are a set of hardworked officers, is this the only reward that they can think of for such people? I should have thought that a pecuniary reward should have been more appreciated than the burden of increased responsibilities. (A VOICE: Why not increase their pay?) My hon'ble friend has misunderstood me. I do not suggest that the pay of *munsifs* should be raised. But if you want *munsifs* to do the work of sub-judges, why not call them sub-judges? Why call them *munsifs* and ask them to do the work for which you pay much higher salaries? That is what I do not understand. Abolish sub-judges by all means and get *munsifs* to do all the work, but this is not playing the game. Sir, the *munsifs* are very deserving officers, but certainly there is a great difference between *munsifs* of five, six or ten years' standing and sub-judges of greater experience. The answer to that is—my hon'ble friend here is making suggestions on behalf of the Government—that all the *munsifs* are not to be invested with the power of trying suits of the value of Rs. 2,000. But even then they are not certainly as experienced as the sub-judges. Why should not sub-judges try these cases? If the *munsifs* are good enough to try these suits, why have sub-judges at all? I am afraid I have never been very much pleased with the report of the Civil Justice Committee. A large number of their recommendations are based upon a very imperfect appreciation of facts, with the result that a large number of the rules which have been based upon the recommendations of that Committee have entailed hard work upon the people in the Courts below. In this particular instance, Sir, the Civil Justice Committee went the wrong way about the solution of the problems they had before them. They were impressed with the congestion of work; they were impressed with many other things, *e.g.*, delay in the disposal of suits, and they tried to find out remedies. The remedy for delay—the sure way for expedition—is to use as much

as possible tried, experienced and learned judges. An inexperienced and less learned judge always takes a larger amount of time than what a learned and experienced judge takes. That is a fact which no one would certainly dispute—still less the Hon'ble Member dispute. By placing the work of trying these cases in the hands of *munsifs* you will not hasten the decision of these cases. You will not increase expedition, because sub-judges who are more experienced are likely to act more expeditiously. Perhaps, what is at the back of the mind of the Government—I hope the Hon'ble Member will not share that point of view—is to cheapen the administration of justice; the mentality which has perhaps been responsible for the abolishing practically all the additional sessions judges and their replacement by a large number of assistant sessions judges. That was an economy against which nothing can be said on the ground of efficiency, but it is one for which much can be said on grounds of economy. I am perfectly certain that if these suits be tried by *munsifs*, in nine cases out of ten the time taken will be much longer and the congestion of work will be much heavier and the delay will be much greater. In any case, I hope the Hon'ble Member will be satisfied that the Bill is not such a simple measure as he thinks it is. There are large issues involved which will have to be investigated by a reference to the statistics, by a reference to the opinion of the people, by a reference to the work done by the *munsifs* and subordinate judges. With regard to the suggestion to increase the power of the Small Cause Court judges, that is a matter which will have tremendous consequences. If you examine these statistics of the Civil Courts, you will find that suits of Small Cause Court nature of the value of Rs. 500 and upwards—money suits of Rs. 500 to Rs. 1,000—constitute a very substantial portion of the total amount of litigation in this country. The effect of transferring these cases to the Small Cause Court judges is that they will not be tried with that amount of deliberation to which they are entitled. And not only that, the people will be deprived of the right of appeal to the higher tribunal against the decisions of these Small Cause Court judges. The principle of the provincial Small Cause Courts is that litigation in very small matters should not be promoted, and, therefore, the value of suits triable by Small Cause Courts in the mufassal has been fixed at a low figure. You now want to increase that figure and for what reason? On the principle that Rs. 1,000 does not matter much, and that it is not such a matter in which people should be encouraged to litigate in several stages. I can understand that position in the case of the Small Cause Court of Calcutta where money is cheaper and the people are richer than the people in the mufassal. To a man in the mufassal Rs. 1,000 does not mean the same thing as it means to a man in Calcutta. Therefore, Sir, there is a difference in respect of the real value of the suits brought in the Calcutta Small

Cause Court and in the mufassal Courts, although the nominal value of the suits may be the same. There is absolutely no justification, therefore, for raising the powers of the subordinate judges of the Small Cause Courts in the mufassal to Rs. 1,000 and that of the *munsifs* to Rs. 500. And, why should the litigants be deprived of the right of appeal? It may be said that because litigation is an evil and people ought to be saved from litigation. That is no doubt a truism. Litigiousness is an evil, and there is a large amount of litigiousness in the country—and I do not for one moment deny that—but at the same time there is a genuine scope for litigation. You are shutting out the genuine cases as well as the frivolous. If you proceed by the rule of thumb, is there any reason why a man whose claim does not amount to more than Rs. 1,000 should be deprived of the same deliberate procedure as is followed in other cases, namely, a suit worth Rs. 25 more? I cannot see any justification for this. Are we really sincere when we say that litigiousness is an evil, and ought to be prevented? And that second and third appeals should be prevented as much as possible? If that is so, why not hit directly at that? I can suggest a procedure by which the whole thing can be simplified—not by investing the *munsifs* with the power of Rs. 5,000 and with increased jurisdiction, but by providing highly qualified judges to try these cases in the mufassal and abolishing the appeals except one appeal, as in England. Supposing that you have every suit in the mufassal tried by a man of the calibre of a High Court judge, in that case litigation would be reduced to a minimum, and there will not be those interminable appeals. It is in that way that the remedy lies against litigiousness, but this is merely petty tinkering with the problem. If you are really anxious to solve the problem, I am afraid you have no justification for coming forward with this Bill. And it is also worth while to remember that if litigation is a vice, Government thrives upon it. Government spends only a very small share of the money it makes by litigation by giving costly justice to the people, and it does not lie in their mouths to say that they will give you cheaper judges and more costly justice. That is precisely what they are doing, and that is the line along which they want to proceed. Sir, this is not a Bill of a simple nature, as has been suggested. It is not a mere difference between the two figures that is involved. It is a difference in the principle and policy of the administration of justice, and it is one in respect of which you ought not to proceed in a hurry until the people have had their opportunity to express their opinions—opinions which, I am sure, will satisfy even the Hon'ble Member in charge of this Bill that there is much more behind this Bill than appears on the face of it.

In this connection, Sir, I do not know whether I should introduce another matter. Do the Government really want that this Bill should

be properly considered before it is passed? If they do that, why do they not seek the opinion of the mufassal people who are going to be vitally affected by it? And why is it that the Government propose a Select Committee on which civil practitioners in the mufassal are conspicuous by their absence?

Babu SATISH CHANDRA RAY CHOWDHURY: Omitted studiedly.

Dr. NARESH CHANDRA SEN GUPTA: Amongst the legal practitioners of the High Court on the Select Committee, only a solicitor practising on the Original Side and a distinguished criminal lawyer are seen. It seems to me that Government are not really serious that they want the Bill to be considered by the Select Committee, for that is not the way of proceeding with it. Let the Bill go to the country, take public opinion and sift matters. And do it by all means if you want to further advance in the matter.

(At this stage, the member having reached the time-limit, resumed his seat.)

Mr. S. M. BOSE: I beg to oppose this amendment. I am really surprised to see the heat that this simple measure has produced. I quite agree with the Hon'ble Member that it is a very simple measure. I find that clauses 1, 3, 4, 6 and 8 are formal. The really important changes are contained in clauses 5 and 7 of the Bill where it is proposed that the figures should be raised from Rs. 2,000 to Rs. 5,000 and from Rs. 500 to Rs. 1,000 and again from Rs. 100 to Rs. 500. These are simple matters, and, in fact, I am surprised that the Hon'ble Member in charge of the Bill has thought it fit to refer the matter to a Select Committee at all. I should have thought that changes proposed in clauses 5 and 7 could have been easily dealt with on the floor of the House, where the necessary modifications could have been made. I really see no reason why this simple measure—as the Hon'ble Member says it is—should have been referred to a big Committee with loss of time, money and energy.

With these words, Sir, I oppose the amendment.

Khan Bahadur Maulvi EMADUDDIN AHMED: Sir, I support the amendment moved by Mr. Mullick. We the mufassal lawyers and the people know perfectly well how justice is dealt with by the *munsifs*. There is already congestion in the mufassal Courts, and *takids* go on and anyhow these cases go on. By raising this jurisdiction from Rs. 2,000 to Rs. 5,000, you have been doing an injustice to the people

of the country. These *munsifs*, however experienced and judicious-minded they may be, in their hurry would not be able to do full justice as a subordinate judge would be able to do.

Another aspect to which I would like to draw attention is that the subordinate judges will be put on their pensions. In many parts of the country, I know the subordinate judges try cases of the value of Rs. 3,000 to Rs. 6,000, and if you give these jurisdictions to the *munsifs*, the result will be that the subordinate judges will have to sit idle and draw their salaries. Moreover, there is another aspect of the case, Sir. Generally, subordinate judges are more experienced than *munsifs*, and why deprive the people of their experience and knowledge by investing the *munsifs* with these larger powers?

With regard to the suits valued at Rs. 1,000, I beg to submit that there are many suits which do not go beyond Rs. 1,000, and if you raise the value of the Small Courts, the people will be deprived of the legitimate right of appeal—and this they value very much—because these appeals to the appellate jurisdiction will be taken away. With regard to the *munsifs*, they try suits in Small cause Courts of the value of Rs. 250. If you raise this also, the litigant will be deprived of the proper justice he may legitimately claim. Sir, I think this is a subject which ought to be circulated not only to the various bodies but also to the district judges. If there is a case to raise the jurisdiction, the district judges are in a better position to say what ought to be that jurisdiction. Certainly, this is a measure which ought not to go without eliciting public opinion, and I suggest that it ought to be circulated for eliciting public opinion.

Babu HEM CHANDRA ROY CHOUDHURI: Sir, I rise to support the provision in the Bill and oppose the amendment, and my reason is simple, namely, economy. It is a boon to the litigant public, though it means some loss to the lawyers as a class which I regret. Sir, the Bill proposes firstly to raise the pecuniary jurisdiction of the *munsifs* from Rs. 2,000 to Rs. 5,000, and this jurisdiction will be raised in the case of selected *munsifs* only, and apparently in the case of experienced and senior ones. Sir, at present the subordinate judges have unlimited pecuniary jurisdiction to try civil suits, and the *munsifs* as soon as they rise to the status of the subordinate judge also have that jurisdiction. The litigant public coming from the subdivisions experiences great difficulty in bringing in their witnesses and in having legal advice from the lawyers of the headquarters even when they have to file suits of a very simple nature such as suits on bonds of the value of a little more than Rs. 2,000. These suits, I think, may be very easily tried by the experienced *munsifs* without any apprehension of miscarriage of justice. Sir, a *munsif* who may be raised to the status of

a subordinate judge a few months or a few years afterwards may be safely entrusted with this power. It will save much money to the litigant public coming from the subdivisions, and I think those who are acquainted with the condition of the mufassal know fully well how difficult it is for the litigants to come with their witnesses and to make *tadbir* at the headquarters station. They cannot often afford to pay the cost of these witnesses coming from a long distance. So, I think, Sir, it is meet and proper that the pecuniary jurisdiction of selected and experienced *munsifs* should be raised from Rs. 2,000 to Rs. 5,000.

Then the next point which the Bill deals with is the question of raising the jurisdiction of the Small Cause Courts in the case of the *munsifs* from Rs. 250 to Rs. 500 and in the case of subordinate judges from Rs. 500 to Rs. 1,000. The Presidency Small Cause Court in Calcutta has jurisdiction to try suits valued up to Rs. 2,000 and these Small Cause Court judges are less experienced than the mufassal subordinate judges. Some of my predecessors have praised merits of the judgment delivered by subordinate judges, and I think my friend Babu Satish Chandra Ray Chowdhury has told the House that in some cases the judgments of subordinate judges were upheld in the Privy Council while reversing the judgment of the Hon'ble High Court. So in case of tried and experienced subordinate judges who try civil suits of unlimited pecuniary jurisdiction, we should not grudge especially when a good deal of money will be saved to the litigant public to extend their pecuniary jurisdiction to try Small Cause Court suits of the value of Rs. 1,000 only. We have experience of many frivolous litigations and appeals by which the litigant public are ruined and hence I think every possible means should be taken to stop all these frivolous litigations. So also in the case of *munsifs*. Experienced *munsifs* only would be entrusted with Small Cause Court suits valued up to Rs. 500 only. Some of my friends have argued that the files of the *munsifs* are at present very heavy and they may for making their file light strike out some suits on frivolous grounds, but those who have any experience of the files of the *munsifs* at present know full well that the *munsifs* now spend their greater part of time in idle talks and in checking court-fees of the petition, etc., because they have not sufficient judicial work to do. I therefore believe this apprehension is quite unfounded.

Dr. Naresh Chandra Sen Gupta has said: Why don't you raise the status of the *munsifs* to that of subordinate judges if you want to entrust the *munsifs* with the work of subordinate judges? May I ask Dr. Sen Gupta whether he knows, what is the feeling among the public at present as regards the pay of *munsifs*? The general feeling is that they are getting more than what they deserve for the work they do. If they be raised to the status of subordinate judges they will have

to be paid more, and I think that won't help the public any way, whereas more public money will be spent. From these considerations I believe that this Bill is of urgent necessity and no time should be lost to get it passed into law.

Mr. W. H. THOMPSON: Mr. S. M. Bose, in speaking so succintly just now, has taken many of my words out of my mouth. Before he spoke I was beginning to wonder why the land lawyers were allowing their case to be put before the House by the sea lawyers. I was glad to hear Mr. Bose's opinion, and I should have been still more glad to have heard the opinion of the distinguished lawyer who had his place on the Retrenchment Committee. There are two considerations here, one of which has been mentioned by Dr. Sen Gupta, when he referred to the real value of a suit. He said that the real value of Rs. 1,000 here in Calcutta was not the same as the real value of Rs. 1,000 in the mufassal. Will you, Sir, look at the date of the original Act—the Bengal, Agra and Assam Civil Courts Act of 1887? Is there not a great difference between the real value of the rupee in 1887 and its real value in 1934? Is there not in that difference conisderable justification for altering the limits of jurisdiction of Civil Courts? There is another way of looking at it. What are the litigants paying for? Is it not true that the average *munsif* now is a much more valuable officer than the average *munsif* was in 1887, and will you compare what a *munsif* was paid in 1887, with what he is paid to-day? Is there not in that also a very sound reason for revising these limits? What these limits shall be after revision has been very carefully considered and would again be carefully considered in a Select Committee before being placed before the House for acceptance. I accept no argument which says that the limits are inviolable.

Maulvi SYED MAJID BAKSH: The speech of Mr. S. M. Bose reminds me of a certain Englishman who was a little blunt and finding a notice on the bank of a tank that bathing was prohibited, thought that it was time for him to go. Mr. S. M. Bose, not satisfied with the proposal made by the Hon'ble Member himself, wants to go further and would have it drawn and quartered on the floor of this House. But, Sir, I was much amazed by the speech of the gentleman that followed and supported him. When I was listening to his speech I was reminded of a trite saying by Carlyle: "Phocian's friend Cleon the tanner." This gentleman comes forward and supports Mr. S. M. Bose in the words that he has done. I fear that the real points have been missed—not that the pecuniary jurisdiction of certain medical officers cannot or ought not to be raised, not that money is cheap or dear in the mufassal, but I should like to tell Mr. Thompson that the value of a rupee in 1887 and of a rupee in 1934 is very much the same,

though different in the intervening years; the present value of the rupee is not very much different from the value of a rupee of the days of which he has spoken. However, the only feature in this Bill which I would like to oppose, of course speaking for myself and taking a minimum point of view, if not anything else, is the provision for raising the jurisdiction of the Small Cause Court. We all know that the Small Cause Courts deal with suits relating to debts. The debtor is sued in the Small Cause Court and the jurisdiction of the Small Cause Court is summary. Evidence may or may not be recorded, a decree may or may not be drawn up; simply a decree is enough and we know that a debtor in the mufassal being illiterate is unable to fight successfully non-appealable case brought in by the creditor. If the debt has been based on a registered document, I would have acceded to the request at once. But as everybody knows, the lawyers know—but why confine it to the lawyers, only—every inhabitant in the mufassal knows, that suits are brought not always upon registered documents, but in many cases upon unregistered documents and a small *khata:* and sometimes a chit is produced in which it is written by the hand of the creditor himself that such and such person took money on such and such a date, and that is enough to give the creditor a decree. Considering this wide power in the hands of the judiciary that is vested by law, I think it should be kept within limits and the limit that already exists is quite enough. You are going to give more scope for the decree of such suits than is given now. If along with this a provision is made that no decree can be given upon any such debt that is not covered by a registered document, I would not mind if you raise this jurisdiction not only to thousands but even to lakhs of rupees. But I have already submitted that is not so. Do not have this potent source of injustice in the mufassal as we have found to our cost; an illiterate debtor sometimes pays off his debt, but does not take his acquittance for it and the creditor brings a suit against him, and the judge thinking that he has got summary jurisdiction does not look into the question of evidence or records, but in order to dispose of suits which number together 50 or 60 a day, gives a decree and clears off his file. I say, Sir, there is no hurry about it. Let us see what those upon whom this Act will operate have to say; let us wait and hear from them. I have no objection if you strike, but hear before you strike. That is my argument, and I think the injustice of not allowing any appeal in these cases has already been carried far enough; it should not be carried further. If it is a question of a few hundred rupees, people may pay it without ruin, but if it is a question of a thousand, men will be ruined if a wrong decree is passed against them. The Hon'ble Member, being a great lawyer himself, knows very well the principle underlying the administration of justice in British Courts. Unlike the Courts at other times in our history, I mean unlike the administration of justice under previous rulers, here a judge sits in his Court and he has ears but not

eyes. He can only hear, but not see. He has to hear only the evidence brought before him and give a decision; he does not go to the localities, he does not bring the parties together face to face and see whether any money is due or not due. It is upon a system of evidence that the case is placed before him and it is on that same system that the case is contested and the judge gives a decree, but being a man himself the judge is liable to err. To err is human and the judge is liable to it without exception. To save oneself from that erring tendency the provision for appeal is based. If you take away this provision for appeal and keep the door of erring open, you do an injustice to persons from which there is no remedy. I, therefore, support the motion for circulation; let us wait and see what the public have got to say on this Bill. The Council is sitting again after a month or so, and during this one month you can have the opinion not simply of the lawyers but of all concerned, for circulation does not mean obtaining the opinions of lawyears only. There are various other associations and public bodies whose opinions will also have to be taken. They will be able to judge the consequences which this Act is likely to have upon the people in general. After considering their opinion, necessary changes may be made in the Bill, and not now.

Babu JITENDRALAL BANNERJEE: Sir, there is one point in the speech delivered by Mr. Chaudhuri which I fail to understand why some of the legal luminaries who followed him missed. Mr. Chaudhuri repeated over and over again that the litigants preferred to have their cases tried by subordinate judges than by *munsifs*. What is the great difference between the subordinate judges and the *munsifs*? My knowledge of legal procedure has grown rather rusty, but all the same I am aware what the difference is. The *munsifs* are raised in course of time to be subordinate judges. One thought that the difference was no better than between the chrysalis and the butterfly. It is only a question of age-limit. My friend seems to think that the litigants want to have their cases tried by people over 45 and not by people under 45. That is a dictum which conveys little to humble people like myself who have passed the magic limit of 45, but generally speaking there is no reason why people should prefer to have their cases tried by persons over 45. Generally, after 45, there is a tendency to somnolence which is not conducive to good judicial administration. Therefore, people would like to have their cases tried by men under 45, and would not care to have their cases tried by antediluvian people who are at the last stages of senility and decay. All the same I agree with Dr. Naresh Chandra Sen Gupta in supposing that the question is not so simple as it appears. Mr. S. M. Bose in his pontifical manner said that clause 1 is merely formal and clause 2 is merely formal. He might well have said that

the whole Bill is a formality. In point of fact, the Bill is not so simple as that. I do not mind the difference between Rs. 2,000 and Rs. 5,000, but I do mind and the public do mind that the difference in pecuniary jurisdiction is very great. What you are going to do, as regards the Small Cause Court, by increasing the limit from Rs. 250 to Rs. 1,000 is that you are depriving the people of their right of appeal. We know what happens when there is no fear of appeal. It is the fear of appeal, the fear of censure from a superior Court which makes the subordinates of the judiciary faithful in the discharge of their duties. If there is no appeal, we know what will be done. The evidence will be very perfunctorily recorded and even now in some cases it is done so. The judges will fall asleep and enjoy siesta at the expense of the litigant public. So far as the second aspect of the question is concerned, I will ask the Hon'ble Member to think over it twice. I do not see what necessity is there for hurrying with this measure. Public opinion ought to be consulted, especially the opinion of the different Bar Associations and also of the judges who are actually entrusted with such cases. Delay will not hamper or embarrass Government in any way. Therefore this proposal for sending the Bill for circulation is a very reasonable one and ought to be accepted by the House.

Maulvi ABUL QUASEM: Sir, I rise to give my wholehearted support to the motion for circulation moved by my friend Mr. Mukunda Behary Mullick. Mr. Jitendralal Bannerjee in a very reasoned speech has given one aspect of the case why Government should not be in a hurry to have this Bill referred to the Select Committee. One proposal in this Bill is of a very serious nature, namely, the proposal to increase the pecuniary jurisdiction of Small Cause Court judges. It has already been pointed out by many members who really know the condition of the people who resort to Courts of law that a suit which is valued at above Rs. 250 or Rs. 500 cannot be said to be a small cause; it is a big case in a country so poor as Bengal. It has been pointed out very clearly, and it may not be known to many members of this House who are not acquainted with the administration of justice in the mufassal Courts, that in small causes the judges have to take down only a brief memorandum of the evidence which is adduced before them. Many of the judges possibly due to negligence or indolence do not as a matter of fact record many important points which transpire in evidence. If you increase the power of these Small Cause Court judges, you will be only denying the right of appeal to the litigants in cases where injustice may be done. What the people desire is that justice and not injustice should be done. If there is to be justice, let it be true justice, though tardy, but not quick injustice. I fail to understand why Government wants to have this Bill passed through

the Select Committee so very quickly. They have sat over the recommendations of the Civil Justice Committee for a decade and have now come to this Council to have this Bill passed into law hurriedly. No reason has been given for this hurry. There ought not to be hurry in a Bill of this nature. The public have got the right of expressing their opinion on a measure like this. They come to British law courts to get justice, not gratis but on payment. Why should you be in a hurry to increase the powers of the Small Cause Court judges? There is no case for it. Members of this Council should realise their responsibility in speaking upon a subject which relates to the judiciary of the province. They should try to avoid saying anything which tends to create prejudice in the public mind against the judiciary, upon whose ability, honesty, and devotion to justice the welfare of the people so largely depends. I realise my responsibility in this matter, but I think that those who know the facts of our Courts know fully well that all *munsifs* and sub-judges are not of the same conscientious frame of mind. Many of them try cases just to show a quick disposal of them. I have heard with my own ears a judge expressing himself to the effect that he was not concerned so much with the administration of justice as with the speedy disposal of cases. If that is the frame of mind to which they are reduced by, the High Court requiring them to show speedy disposal of cases, I do not think that these Courts should be entrusted with more powers of a summary nature than they at present possess. Then there is a proposal for increasing the jurisdiction of certain selected *munsifs* from Rs. 2,000 to Rs. 5,000. I should like to bring to the notice of this Council one particular aspect of the matter. *Munsifs* sitting in the Subdivisional Courts do not and from the nature of the case cannot get the same expert and adequate legal assistance in arriving at a decision as judges sitting in the district headquarters. In the subdivisions the bar library is not so well equipped as the libraries in the district headquarters. In order to do proper justice you have got to get as much legal assistance in clearing up intricate issues of law as possible. In subdivisional towns, on account of the atmosphere prevailing in those Courts, this sort of legal assistance is not generally available. Therefore, I believe that by increasing the pecuniary jurisdiction of the *munsifs* in subdivisional headquarters you will not be doing such justice as would be satisfactory to the litigant public. I assert that not only should justice be done but the public should be made to feel that justice is being done. This measure will not make people feel that Government is anxious to have justice done between man and man. Therefore, I venture to make an appeal to the Government to recognise that there is no hurry about the matter. Let them agree to the motion for circulation, let them wait for the opinions that will be expressed on this measure and then let them come up with the proposal for reference to the Select Committee.

Babu JATINDRA NATH BASU: Sir, I have carefully followed the discussion on the motion brought before this House by the Hon'ble Member in charge of the Judicial Department. It has been difficult to understand what is the real attitude of those that have already spoken. Many of the speakers have praised the judiciary and some have expressed a certain lack of confidence in them. From the day when the particular measure now intended to be amended was first enacted down to the present day there has undoubtedly been a very considerable improvement in the quality not only of the legal profession but also of the judiciary. The Bill relates mainly to two points. One is the raising of the pecuniary jurisdiction of certain selected *munsifs* from Rs. 2,000 to Rs. 5,000. That practically amounts to giving certain judicial officers the right to try cases up to a larger limit. It has been made clear that this right will be given to certain selected officers so that care will be taken to see that those officers are persons to whom the trial of cases of a higher pecuniary value may be entrusted. There does not appear to have been much opposition to this proposal by many of the speakers who have spoken in support of the measure for circulation of this Bill, because those *munsifs* will be quite as good as the subordinate judges who now try cases of the proposed limit, as subordinate judges try cases for which there is no pecuniary limit. Their jurisdiction is unlimited. The other point is that the pecuniary jurisdiction of the *munsifs* who try Small Cause Court cases is intended to be raised from Rs. 250 to Rs. 500. The change that is intended to be effected does not appear to be of such a character as to raise any doubt that there will be miscarriage of justice if this change is adopted. Sir *munsifs* are now recruited from lawyers who have had some experience at the Bar, and those *munsifs* who are now invested with Small Cause Court powers are generally *munsifs* with wider experience than mere new recruits. If you do not trust your judiciary with the power of trying cases which have a small pecuniary limit, then there will be no end to the number of judicial tribunals in this country. Sir, in Calcutta, the pecuniary limit of the Small Cause Court is Rs. 2,000 and the judges who try these cases are, so far as their experience and knowledge of law are concerned, not very far ahead of the judicial officers to whom this small limit of Rs. 500 is intended to be given by this measure. The main grievance appears to be that there will be no right of appeal in these cases. The general trend of opinion amongst the litigant public is that they do not get speedy justice—that has been the complaint everywhere; and the Government as also the Courts of law have tried to adopt measures which can give the public justice without the delay which takes away the good effect of justice. If a man, who has to realise Rs. 300, has to wait three years to get it back, without the Court having an opportunity of con-

sidering that claim, then it is practically denying justice to that man. Therefore, as regards the Small Cause Court procedure, unless there is unanimous volume of opinion in this country to do away with Small Cause Court procedure altogether, there is no reason why the limit should not be raised from Rs. 250 to Rs. 500 in the case of *munsifs* who try Small Cause Court cases; and the raising of the limit from Rs. 500 to Rs. 1,000 in the case of those subordinate judges who try Small Cause Court Cases, and who are tried judicial officers specially selected to take up Small Cause Court work. The contemplated change is likely to satisfy the public that they are going to have their claims speedily decided. The question of appeal in these cases is on the same basis as the right of appeal stands now under the existing law: for instance, I have heard litigants bitterly complain that they have not been able to appeal to His Majesty's Privy Council on the ground that their claim is below Rs. 10,000, which is the limit for appeals to His Majesty in Council. The same kind of complaint my friend, Mr. Abul Quasem, must have heard from his clients. If you take note of these complaints there would be no end of this matter and every suit of whatever value it may be will have to be given the right of appeal. It will mean that all the revenue you can collect from this province will have to be spent in the payment of salaries to judicial officers and all the other departments of Government will have to be starved. I think the policy of the measure is good both from the point of view of prompt justice and of economy. For these reasons I support the hon'ble member's motion for committing this Bill to the Select Committee.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I am much surprised at the volume of opposition to the measure which the debate has revealed, but, at the same time, hon'ble members will pardon me if I say that I am not at all convinced by the arguments adduced. No doubt, members of the profession, to which I have the honour to belong, should naturally dislike this measure, because it means the curtailment of the number of appeals. But what are the arguments adduced? One hon'ble member says that we are having economy at the cost of justice. Why? We are effecting economy no doubt; but instead of compelling the litigant to go to the district headquarters for obtaining the best legal assistance, he will find justice at his door, the *munsif* being nearer. In the next breath the same member said that justice ought to be brought to the door of every litigant. I find it difficult to reconcile between the two. One argument is that competent legal advice cannot be obtained except at the district headquarters: it is only available there; as against that you have got to bring justice to the door of every litigant, that is where the *munsif* and not the sub-

ordinate judge is holding his Court. Anyhow, these two arguments destroy each other. On the other hand, as my friend, Mr. Jitendralal Bannerjee has pointed out, what is the proposal in the Bill? The proposal is that selected *munsifs*, who are about to be appointed subordinate judges, should be entrusted with this higher jurisdiction. Now, Sir, the moment a selected *munsif* becomes a subordinate judge, he gets unlimited jurisdiction and a month or two months before that he cannot be entrusted with the power of trying suits of the value of Rs. 5,000. That is an argument which certainly does not convince me.

Then, Sir, under the stress of debate certain hon'ble members did not hesitate to say that *munsifs* are no good, subordinate judges are better. Now, I have got two arguments against that. We are thinking of *munsifs* who are about to be made subordinate judges and who have got all the experience; and certainly a senior *munsif* who is about to be made a subordinate judge dispenses justice much more satisfactorily than one who has already contracted diabetes and has got nine unmarried daughters.

Then, Sir, it has been said that public opinion has not been elicited in this matter. Public opinion has been elicited in the matter. The Civil Justice Committee examined witnesses; and I might tell the House that on that Committee sat people with considerable judicial experience. There were members, as hon'ble members are aware, viz., Sir George Rankin, the then Chief Justice of Bengal, was the President of that Committee; and the other members were all experienced judicial officers. One was Mr. Justice Stuart, who was subsequently the Chief Judge of the Oudh Court. There was Mr. D'Souza who was a very senior district judge and who, I believe, subsequently became the Judicial Commissioner in Sindh; then there was Sir Desikachari who was a very eminent practitioner in the district of Chanda.

Then, Sir, when this Committee held its sittings in Calcutta, they co-opted some members: one was Mr. Narendra Kumar Basu who is a distinguished lawyer member of this House, another was Rai Bahadur Kailash Chandra Bose, Government Pleader, 24-Parganas; another was Mr. Durga Prasad Ghosh, a retired district judge; and another was Mr. Liddell, the then Legal Remembrancer and a most experienced district judge: these were the men who were co-opted in Bengal. There is no question that there was no considerable judicial experience available to the Committee who were entrusted with the duty of considering this matter. Then, they examined witnesses and the witnesses came forward from the profession and also from the public bodies. I am sorry, Sir, I have not got the volume of evidence with me here, but I know that a very large number of witnesses were examined.

How are we to elicit public opinion except by asking people, representing all shades of opinion, as to what their opinion is? If this Bill be circulated we know what the opinion of the Bar Associations will be. There will be opposition from all these Associations and all Associations under the influence of the Bar will oppose this measure. Other Associations, *e.g.*, commercial bodies, will support it. Litigants, small litigants, will never be able to express any opinion, because they have not got the machinery to do that. Big litigants' opinions we shall get in favour of the Bill. We know what the result of the circulation will be and how opinions will be on the one side or the other.

Anyhow, Sir, having regard to the fact that after all it is this House which has to decide this matter and to pronounce an opinion upon this measure which is before them, and since there is a considerable body of opinion in this House in favour of circulation, I, for myself, would not be prepared to push this matter through and flout the opinion of that considerable body, although I myself am not convinced with the arguments adduced; nevertheless, in deference to the opinion voiced in this House, I am quite prepared to accept the motion for circulation. (Hear! hear!)

Mr. Mukunda Behary Mullick's motion was then put and agreed to.

Adjournment.

The Council was then adjourned till 2 p.m. on Tuesday, the 18th December, 1934, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 18th December, 1934, at 2 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 105 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Protective arrangements at Lebong race course for His Excellency the Governor on 8th May, 1934.

*13. **Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state what precautions were taken to protect His Excellency Sir John Anderson at the Lebong race course on the 8th May, 1934?

(*b*) Did the officers and men detailed to protect His Excellency in any way fail in their duty?

(*c*) Have Government taken any steps to reward or punish such officers and men?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) It is not considered desirable to make public particulars of protective arrangements. Such arrangements were of course made on the occasion in question.

(*b*) If by "failed in their duty" it is meant that they did not prevent the outrage which took place, the facts speak for themselves: but there is no reason to consider that the arrangements were not, as far as could be foreseen, adequate or that the men were not on the alert.

(*c*) No.

Rajshahi College.

*14. **Mr. NARENDRA KUMAR BASU:** (*a*) Has the attention of the Hon'ble Minister in charge of the Education Department been drawn to the fact that in June last, a girl student of the Rajshahi

College was fined by the Principal because she had declined to attend alone at a lecture delivered by a young Professor of the College?

(b) If the answer to (a) is in the affirmative, has the action of the Principal the approval of Government?

(c) Have the Government taken any steps in the matter? If so, what?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (a), (b) and (c) Yes: it is a fact that a girl student was fined by the Principal. The incident has been under inquiry but, as the Principal is away, the inquiry cannot be completed until after his return from leave.

Maulvi SYED MAJID BAKSH: If it is found that the girl student refused to attend the class on the ground stated in the question, what will the Government do about it?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: My hon'ble friend is aware that a problematic question like this cannot arise.

Rai Bahadur KESHAB CHANDRA BANERJI: Since when is the Principal on leave?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: For the last three months or thereabout.

Rai Bahadur KESHAB CHANDRA BANERJI: When is he likely to return to duty?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: In January next if he returns at all then.

Rai Bahadur KESHAB CHANDRA BANERJI: May I inquire why no inquiry was made till after three or four months of the incident?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The fact is that the Principal is away on leave and as the Principal was the person who imposed the fine, it is but right that he should be asked to state what he has to say in the matter.

Rai Bahadur KESHAB CHANDRA BANERJI: My question was why no action had been taken by Government, in spite of the fact that the Principal was there for three or four months after the incident.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I am unable to follow my hon'ble friend. If he means that Government did not take any action, then he is mistaken. Government took steps and made inquiries and they are waiting for a report from the Principal.

Porabari steamer ghat.

*15. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that the steamer station at Porabari has recently been shifted to a place named Gaytahoshen about 8 or 10 miles north of the old site;

(*ii*) that as a result of the said removal the Calcutta mail reaches Tangail very late every day; and

(*iii*) that the new station site is inconvenient and the passengers have to suffer much?

(*b*) Are the Government considering the desirability of urging upon the steamer company to take immediate steps to get the said steamer ghat located at some place which will be convenient to the general public?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*)(*i*), (*ii*) and (*iii*) Government are informed that changes in the navigable channel have necessitated the removal of Porabari steamer ghat to a site known as Goila Hossain.

This site was selected by the Company's marine officer and is reported to be the most convenient site accessible to steamers.

(*b*) No.

Local boards.

*16. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government have come to a decision on the question of abolition of local boards?

(*b*) If the answer to (*a*) is in the affirmative, what is the decision?

(*c*) If abolition has been decided upon when do the Government intend to introduce legislation for an appropriate amendment of the Local Self-Government Act?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No.

(*b*) and (*c*) Do not arise.

Maulvi TAMIZUDDIN KHAN: When do the Government expect to come to a decision?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As early as possible.

Maulvi TAMIZUDDIN KHAN: For how long has the matter been under consideration of Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: For a pretty long time.

Maulvi TAMIZUDDIN KHAN: Would the Hon'ble Minister be more definite about the period that this matter has been under consideration?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as my knowledge goes since 1926.

Traffic probationer in Calcutta Port Trust.

***17. Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that the Commissioners for the Port of Calcutta recruited in the year 1929 a few probationers of their traffic department in order to train them up for the officers' posts?

(*b*) If the answer to (*a*) is in the affirmative, how many of them have altogether been there and to what (Indians as distinct from Anglo-Indians) and different nationalities, religions do they belong and what are their qualifications?

(*c*) Is this a fact that of all the candidates from all over India who applied for appointment as traffic probationers on that occasion, those who were asked to appear before a Board for final selection were paid second class fares from their respective stations to Calcutta and back?

(*d*) If the answer to (*c*) is in the affirmative, how many of the candidates from mufassal were granted interviews and what was the amount spent on their travelling expenses?

(*e*) Is this a fact that though these "probationers" completed their period of training in 1932, they have up to now been neither provided with suitable posts, nor have they even been confirmed in the services?

(*f*) Is the Hon'ble Member aware—

(*i*) that after these probationers had completed their training, there were vacancies and creation of new posts in the senior rank of the Port Trust services both in the traffic and other departments;

(*ii*) that technical qualifications, such as Marine or Engineering, were not at all necessary for such posts; and

(*iii*) that these posts were filled up by persons holding subordinate and clerical posts or by outsiders to the exclusion of the traffic probationers?

(*g*) Did the Port Trust authorities ever hold any departmental examination, as was set forth in the programme of training, to test the relative efficiency and intelligence of these probationers? If not, why not?

(*h*) What were the circumstances under which outsiders like Messrs. Crawford, Hogan and others could in recent times be appointed by the Port Trust authorities or persons like Messrs. Bolst and Ward who had retired could be recalled, ignoring the claims of the probationers?

The Hon'ble Sir JOHN WOODHEAD: (*a*) and (*b*) A statement showing the names of the seven probationers recruited in 1929 for training for subordinate supervising posts in the traffic department, is laid on the table.

(*c*) Yes.

(*d*) (*i*) 26 candidates were interviewed.

(*ii*) This information cannot be obtained, in the opinion of Government, without a disproportionate expenditure of time and labour for which they are not prepared to ask.

(*e*) A statement showing the names of the six of the seven probationers still in service and the posts they occupy, is laid on the table.

(*f*) (*i*), (*ii*) and (*iii*) A reply will be furnished if the Hon'ble Member will kindly specify the vacancies and new posts to which he refers.

(*g*) (*i*) No.

(*ii*) It was considered that the manner in which the probationer did his work furnished sufficient indication of his ability.

(*h*) Mr. Crawford and Mr. Hogan were appointed because men experienced in railway work were required for the transportation section.

Mr. Bolst and Mr. Ward were temporarily recalled because there was a rush of work and experienced traffic officers were required.

Statement referred to in the reply to clauses (a) and (b) of starred question No. 17.

1. P. C. Mitter, B.A. Indian. Hindu.
2. A. N. Akehurst (Senior Cambridge). Anglo-Indian. Christian.
3. A. K. Mukherjee, B.Sc. Indian. Hindu.
4. J. A. Lawrie (Senior Cambridge). Anglo-Indian. Christian.
5. A. K. Bose, B.Sc. Indian. Hindu.
6. N. A. Chaudhury, B.Sc. Indian. Muslim.
7. R. A. Lakin (Senior Cambridge). Anglo-Indian. Christian.

Statement referred to in the reply to clause (e) of starred question No. 17.

1. P. C. Mitter, Probationary Assistant Secretary. Rs. 300 per mensem.

2. A. N. Akehurst, Assistant Yard Master. Rs. 225 per mensem against Rs. 225-300.

3. A. K. Mukherji, Officiating Inspector, Docks. Rs. 300 per mensem against Rs. 300-600.

4. J. A. Lawrie, Officiating Inspector, Docks. Rs. 320 per mensem against Rs. 300-600.

5. N. A. Chaudhury, Probationary Shed Master, Jetties. Rs. 200 per mensem against Rs. 100-200.

6. A. K. Bose, Officiating Head Goods Clerk, Jetties. Rs. 200 per mensem against Rs. 150-200.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether the same procedure is followed in Government Departments—I mean the payment of travelling allowances to candidates?

The Hon'ble Sir JOHN WOODHEAD: I think so, Sir. Perhaps not on all occasions, but I am not certain.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Advisory Committee for Muslim education.

10. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state when the Advisory Committee for the advancement of education of the Muslims was formed and when the report, if any, of that Committee was submitted?

(*b*) If the said report has been submitted, why has it not yet been published for the information of the public?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) The Committee was appointed on 3rd February, 1931, and its report was submitted to Government on the 22nd November, 1934.

(*b*) Steps have already been taken to distribute copies to the Press for the information of the public.

Sinking of certain steamers in the river Hooghly.

11. Mr. R. MAITI: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether the Government have received the report of inquiry held by the special Marine Court constituted under the Inland Steam Vessels Act into the sinking of the steamer *V.S. Manoung* in the river Hooghly on June 7, 1934?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of publishing the report?

(*c*) Is the Hon'ble Member aware that there was considerable loss of human lives due to the sinking of the said steamer?

(*d*) Are the Government considering the desirability of publishing the names and addresses of the passengers (both dead and surviving) that have been collected by the Subdivisional Officers of Contai and Diamand Harbour and sent to the Government of Bengal?

(*e*) Will the Hon'ble Member be pleased to state what steps the Government have taken for prosecuting those who were responsible for the accident?

(*f*) Are the Government considering the desirability of publishing the report of the official inquiry held into the sinking of the steamer *Condor* in or about the same place in the same river Hooghly in January, 1934, about six months before the *Manoung* accident?

(*g*) Have the Government prosecuted the owner and master of the *Condor* or any person or persons who were also found to be responsible for the accident?

(*h*) Has it been found that either the district board of Midnapore or that of the 24-Parganas was in any way responsible for both the said accidents?

The Hon'ble Sir JOHN WOODHEAD: (*a*) Yes.

(*b*) A copy of the report will be laid on the library table after Government have passed orders thereon.

(*c*) Yes.

(*d*) Two lists of missing persons were prepared, one by Rai Abanti Kumar Maiti Bahadur, the Chairman of the Contai local board, and the other by a Sub-Inspector of Police. Copies of the lists will be laid on the library table along with a copy of the report.

(*e*) The report is now under the consideration of Government.

(*f*) An inquiry was held in regard to the sinking of the *Condor* by the Subdivisional Officer of Contai. A copy of his report has been laid on the library table.

(*g*) No; it was decided that there were no grounds for the institution of criminal proceedings in connection with this accident.

(*h*) (*i*) No responsibility for the accident to the *Condor* rests on the district board of Midnapore or that of the 24-Parganas.

(*ii*) The report of the Court inquiring into the sinking of the *Manoung* is now under consideration.

Rai Bahadur SATYENDRA KUMAR DAS: What were the cases that led to the sinking of these vessels in the river Hooghly?

The Hon'ble Sir JOHN WOODHEAD: So far as the *Condor* is concerned, I would suggest the hon'ble member should read the report of the Subdivisional Officer. As regards the other vessel, the cause of the accident will be evident when the report is laid on the table.

Mr. R. MAITI: With reference to (*b*), when do the Government propose to pass their orders on the report?

The Hon'ble Sir JOHN WOODHEAD: Very shortly, Sir.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Village Self-Government (Amendment) Bill, 1934.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I move that the Village Self-Government (Amendment) Bill, 1934, be referred to a Select Committee consisting of—

(1) Rai Bahadur Satish Chandra Mukherji,
(2) Mr. Saileswar Singh Roy,
(3) Rai Bahadur Keshab Chandra Banerji,
(4) Babu Khetter Mohan Ray,
(5) Khan Bahadur Muhammad Abdul Momin,
(6) Maulvi Tamizuddin Khan,
(7) Khan Bahadur A. F. M. Abdur-Rahman,
(8) Khan Bahadur Maulvi Muazzam Ali Khan,
(9) Mr. Narendra Kumar Basu,
(10) Rai Bahadur Jogesh Chandra Sen,
(11) Mr. W. H. Thompson,
(12) Haji Badi Ahmed Chowdhury,
(13) Babu Satish Chandra Ray Chowdhury,
(14) Babu Jitendralal Bannerjee,
(15) Munindra Deb Rai Mahasai,
(16) Khan Bahadur Maulvi Emaduddin Ahmed,

(17) Mr. G. S. Dutt,
(18) Rai Bahadur Giris Chandra Sen,
(19) Rai Sahib Sarat Chandra Bal, and
(20) the mover,

with instruction to submit their report before the end of January, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the Bengal Village Self-Government Act was placed on the Statute Book in 1919. The union boards under it came into existence in several districts as early as 1920. But there was no uniformity about the date of their introduction throughout the province. There are still some areas where due to local opposition on political grounds and on account of practical difficulties of working the Village Self-Government Act has not yet been enforced. But the area where the union boards are still non-existent is comparatively small. The system has worked quite successfully in the major portion of the province. It has brought into existence very useful and valuable units of Local Self-Government in which the people belonging to the rural areas have taken a keen interest. The working of the Act has created a useful and energetic band of workers genuinely devoted to the cause of local self-government and of rural uplift. These people have duly exercised the right of self-taxation and have tried to work the union boards in the interest of the rural population. Thus, the system has worked about 14 years; during this period many defects in the Act have been brought to the notice of Government. Its amendment is also necessary to meet the advanced ideas of the people about local self-government and to bring the statute in line with the new constitution. Necessity for the amendment of the Act was also evident from the number of private Bills that were introduced into this House almost at every session during the last 3 years. Taking all these facts into consideration, Government have decided to amend the Act of 1919 in order to make it more up-to-date with due regard to the difficulties of the practical working of the union boards by the rural people.

The principle of the Act and the machinery provided by it are well known to the hon'ble members, and I do not propose to explain it in detail. But I may briefly observe how the Act is divided into three parts, viz., the provisions for the village watch and ward and those for the municipal services such as sanitation, education, water-supply and communication and those about the union courts and benches conferring judicial powers on the union boards for the trial of minor suits and cases. The duties about the watch and ward before the Act of 1919 used to be discharged by the *panchayats* under the Act of 1870 which had no provision for the municipal services. But in limited areas under a different statute there were the union committee whose function was confined solely to the improvement of villages through

local taxation. In the Act of 1919 these two were combined and the village police was released from the control of the provincial police and placed directly under the union boards, subject to the control and supervision of the District Magistrate in matters of appointment, dismissal and discipline. The village police is maintained mainly from the revenue derived from compulsory taxation on the villagers under the Act. Whereas the municipal services are carried on by the union boards under the supervision of the district boards and are financed through voluntary taxation provided in the Act. The success of the system is evident from the increasing amounts which are being realised by the union boards through self-taxation. As recently as in 1916-17 67 union committees in the province raised only about Rs. 39,000 by local taxation for village improvement, whereas in 1932-33 the union boards collected over 15 lakhs for the same purpose. I may point out in this connection that a total collection of union boards under heads during the year 1932-33 was Rs. 88,25,000; of this amount Rs. 66,43,000 was realised on account of union rates of which Rs. 49,74,000 was spent on the *chaukidars* and the balance on improvement of the villages by self-taxation. Thus, it may be stated without any risk of contradiction that the hope that was cherished about the success of this experiment has been fully realised, and it has given free play to a new motive power in Bengal, has roused the interest and influence of rural population in and on the management of their own affairs. By introduction of this system Government have been brought in touch directly with the villages, and it has thereby removed one of the greatest defects in the machinery of provincial administration. By the introduction of union boards Government have succeeded in tapping enormous reserves of energy, commonsense and natural shrewdness, and have laid well and truly a foundation on which the superstructure of provincial autonomy can safely and securedly rest.

Sir, the present Bill deals with the municipal portion of the machinery of village self-government and the provisions about union courts and benches and leaves that about the watch and ward completely untouched. The village police, though largely municipalised by the Act of 1919, is still a part of the provincial police and as such is under the control and supervision of Government. I can only hope that with the introduction of provincial autonomy this portion of the machinery of village self-government will also be completely made over to the control of the union boards. In this Bill no attempt has been made to anticipate the situation.

In November, 1931, Government convened a Conference of All-Bengal Union Boards in Calcutta to consider the proposal about the amendment of the Act. The recommendations of that Conference and suggestions on the working of the union boards that have been submitted to Government from time to time by the District Officers and different

public bodies including local union boards associations form the basis of this Bill. The district boards were also represented on that Conference through their Chairmen, and Government received their advice on important questions of union board administration. This Bill is therefore based on the opinion of all who are directly interested in the advancement of local self-government in rural Bengal. So, it is considered unnecessary to circulate this Bill any more for eliciting public opinion and Government propose that the Bill should be referred to Select Committee in the current session of the Council.

Sir, I would now make a reference to the important provisions of the Bill, enumerating the changes that have been suggested in it and the provisions that have been embodied in the Bill for the facilities of the working of the village union boards and for keeping the machinery abreast of progressive ideas about the advancement of village self-government.

The most important change that is proposed in the Bill is about the franchise. At present payment of Re. 1 as *chaukidari* tax or Re. 1 as cess is the minimum qualification for a vote. It has been brought down to the payment of the minimum amount of union rate payable under the Act, viz., 6 annas or 8 annas as cess per annum. The lowering of the union board franchise will also have the effect of lowering the franchise of local board elections to the same extent in areas covered by union boards.

Another important change which is proposed is to introduce educational qualifications to entitle a person to vote on the same lines as have been adopted in the Bengal Municipal Act. It will bring in the educated people in the villages, though not owning property within the union, on the electoral roll. The son of the head of a joint family is now entirely excluded from the union board. He is not a voter, consequently he is not entitled to seek election to the union board, though he may be the most qualified and politically the most desirable person in a village. The introduction of the educational qualification will remove his disabilities.

The High Court has recently held that persons who ordinarily reside for the greater part of the week or the month outside the limits of a union cannot be held to be the resident within the meaning of sub-section (2) of section 7. This decision of the High Court unfortunately debars a very useful section of the community from being either elected or appointed in future as members of union boards. It is proposed therefore to modify the meaning of residence without doing away with the distinction between qualification of a voter and of a candidate for election to the union board.

In view of the fact that the term of the district and local boards has recently been extended to four years, it is considered reasonable that the term of the office of members of union boards should also be extended

from three to four years. An additional reason for this amendment is the lowering of the franchise qualifications for union board elections will increase the electorate and tend to increase the costs of elections.

An amendment has also been suggested on the lines of section 43 of the Bengal Municipal Act of 1932 so as to bar interference of Civil Court in matters relating to union board elections. It is undesirable that constitution of union boards should be unduly delayed by institution of civil suits and that the election disputes should be very expensive, as they must be if the disputes have to be decided through the Civil Court. The decision of the District Magistrate has been made final in matters relating to such election.

Provision has been made for empowering the union boards for spending money on the improvement of cottage industries on the same principle on which they have been allowed to undertake expenditure on measures for improvement of agriculture, cattle-breeding and irrigation.

The Bill also provides for the appointment of Health Officer of the type of a Sanitary Inspector or Health Assistant; if such an officer cannot be employed by a single union board, two or more union boards may co-operate in appointing such an officer.

Union boards are also being empowered to make grants-in-aid to agricultural and technical schools within the union and also to grant stipends to such students residing within the jurisdiction of the union as would join a technical or agricultural school situated within the same district as the union.

Another important change which has been suggested is to remove the provision for two-thirds majority for the exercise of the optional power of taxation under clause (*b*) of section 37. Taxation under this clause has now become an essential feature of union board administration. Government consulted the chairmen of district boards on this point and they unanimously recommend that it should be by a bare majority of the total number of members of a union board and not by two-thirds as at present. Thus the power of self-taxation now enjoyed by the union board is proposed to be greatly extended under this Bill.

It is proposed to take power to dissolve union boards as an alternative of supersession in cases of incompetency or persistent default in performance of duty so as to give the ratepayers an opportunity to give their verdict on the working of the union board and also to elect another body of members if the ratepayers want to do so.

Another important change which is proposed is to confer exclusive jurisdiction on selected union courts and benches in certain classes of suits or cases triable by them, subject to certain safeguards, such as the District Magistrate's power to withdraw them from the union court or benches if in his opinion there are good grounds for apprehension that a fair and impartial trial cannot be had in such court or bench.

This proposal is based on the recommendation of the Civil Justice Committee which was accepted by Government some time ago.

Power is also proposed to be taken to authorise selected union benches to impose fine up to Rs. 50, or in default imprisonment for a period not exceeding 14 days in place of fine of Rs. 25 and imprisonment for a period of 7 days as at present. It has also been proposed to empower the union benches to grant compensation out of the fines realised to complainants.

It is considered desirable that union benches should be given power on the lines of section 562 of the Criminal Procedure Code to release first offenders on probation of good conduct without reference to a higher court. Such a power is necessary for giving opportunity to the village authority to reclaim offenders in petty matters specially as they would be personally aware of their character and circumstances.

It is also proposed to invest union benches with powers to allow cases to be compromised.

As recommended by the Conference of 1931, section 90 has been redrafted so as to provide that fees shall be payable in advance by the plaintiff, no further fee being payable if the suit is transferred. The fee already paid shall be paid from the union fund to Government, if the suit is transferred to the Court of a Munsif or a Court of Small Causes and to the Union Fund concerned, if the suit is transferred to another union court. It has also been provided that the plaintiff shall be reimbursed proportionately to the success of the suit.

Power is proposed to be conferred on the Commissioner of a Division for the removal of a member of a union court or bench if it becomes necessary without superseding the bench or the court.

These are some of the principal changes that have been proposed in this Bill. Besides conferring several important powers on the union board for the improvement of sanitation, education, agriculture and industries, the Bill proposes to increase the jurisdiction and authority of the union courts and benches for the trial of suits and cases. Provision has also been made for the facilities of transferring of cases from one union court or bench to another and for the realisation of court-fees in advance. Thus, the Bill embodies in itself almost all the important amendments that are considered necessary for better working of the union boards and for removing as far as practicable the defects in the existing Act so far brought to the notice of Government. In this connection a reference is perhaps necessary to the question of the abolition of the local boards and their substitution by the union boards both for the purpose of electing members to the district board as well as for undertaking the duties now discharged by the local boards within their area as agents of the district board. This question is now under examination by Government, and they hope to come to a decision before

long. If it is decided to abolish the local boards that may be done by a short amendment of the Local Self-Government Act and no amendment of Village Self-Government Act is necessary to give effect to the decision.

Maulvi ABUL QUASEM: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 15th February 1933.

At the outset, I wish to say, Sir, that I am not one of those who are opposed to this Bill, as far as it goes, and I am rather in favour of it. My amendment is for the purpose of having improvements brought about in it. Sir, I wish to congratulate the Hon'ble Minister for the great pains which he has taken to overhaul the different statutes relating to local self-government in this province, since he assumed office. We all know how thoroughly he has overhauled the Bengal Municipal Act. We all know how he has amended the Bengal Local Self-Government Act, and now, Sir, he has turned his attention to the Bengal Village Self-Government Act. We are full of praise and admiration for the really praiseworthy efforts that the Hon'ble Minister has been making since he assumed charge of his office to improve the Acts under which self-governing bodies are functioning in this province. My desire for circulation is due to the fact that the amendments proposed in this amending Bill do not go far enough. Of course, we have been told that this amending Bill is based on the recommendations of a Conference of Presidents of Union Boards which was held in the Town Hall in Calcutta in the year 1931. I believe, Sir, not all the presidents of the union boards in Bengal could make it convenient to attend that Conference. Since Government accepted only some of the many recommendations that were made by the Conference Government should have brought them to the notice of the public. This Bill has come from the Government practically without any notice to the public. If this Bill were circulated, I verily believe that suggestions would be forthcoming from district boards and local boards and other bodies and persons interested in improving local self-government in Bengal, which would materially improve the Bill that has been framed, and also will be very helpful in enabling the Hon'ble Minister to carry out more fully the object which he has in view. I should like, for instance, to bring to the notice of the Council certain sections which do require amendment. The Hon'ble Minister has told the Council that the jurisdiction of the union benches and courts is going to be extended. The Bengal Village Self-Government Act was passed in 1919, and about 15 years have elapsed since then. I would just ask the House to pay attention to section 20 of the Act. Under section 20, a union board cannot appoint even a *chaukidar* or a *daffadar*. The Hon'ble Minister has said that the amending Bill has been introduced with the idea of enlarging the powers of the union boards, but, may I ask him, Sir, if section 20 is not a standing stigma upon the efficiency and capacity

of the union boards? If a union board cannot be entrusted to appoint a *chaukidar* or a *daffadar*, what sort of trust is reposed in that body? If, after the lapse of 15 years, Government cannot see its way to remedy the defect in a matter like this, I fail to understand the value of the sort of trust and confidence which is said to be reposed by the Government in these union boards. I am of the opinion that this section requires amendment by vesting the union boards with final authority in the matter of these appointments. Then I would refer to the proposed section 100 (*d*). Under this proposed section, it is the Commissioner of the Division who is going to be empowered to remove, for good and sufficient reasons, a member of the union board or union court. At present, Sir, those who are familiar with the different provisions of the Village Self-Government Act, know that if a member of a union board fails to discharge his duties, he is liable to be removed by the district board. In this case, power is proposed to be conferred not upon the district board, but upon the Commissioner of the Division. This appears to me to be a retrograde provision. I do not understand why this power should not be vested in the district boards. If the district board can now be trusted to exercise the power of removing a member of the union board, judiciously and fairly, why should not the district board be trusted to exercise properly the power to remove a member of the union court or bench? I do not wish to go into further details. Besides the section of the Bengal Village Self-Government Act which has been touched in this amending Bill, there are other sections which also require to be touched on. If this Bill were circulated, suggestions would be forthcoming which would enable Government to further extend the scope of this amending Bill, and to bring the Act up to date. We could then be in a position to utilise the experience gained in the last 15 years, and the lessons learnt therefrom in adopting all those amendments which are really called for. My idea is not to delay, or defeat, but to improve the Bill. I would appeal to the Hon'ble Minister to agree that the Bill may be circulated and opinions received by the 15th of February next. The Bill would then be ready to be considered during the Budget Session of the Council.

Babu HEM CHANDRA ROY CHOUDHURI: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the end of January, 1935.

Sir, the Bill under discussion contains as many as 38 clauses dealing with the term of office of the members of the union board, franchise qualification, proposal of conferring exclusive jurisdiction on selected union courts and benches in trying any or all classes of suits or cases triable by them, etc., and extending the power of the union boards for helping sanitation, industries and education within their respective jurisdictions. Union boards being intended to be members of self-government these are good proposals no doubt. But whether records of past workings of those boards are so encouraging as will justify us

to entrust the boards with the responsibility of the guardians of peace and prosperity of the villages, is a question which must first of all be seriously inquired into. In spite of good words spoken by the Hon'ble Minister in favour of union boards, it is but an open secret that the union boards have not yet been able to secure confidence of the public. The union boards are in majority of cases responsible for dissensions, party factions, spreading communalism and providing opportunity for feeding private grudges fat. Instances of corruption among the members of union benches and courts and misuse of their power are also not few. Under the existing law also the union boards have ample scope to do many works for improvement of sanitation and spread of primary education. I had occasions to attend a number of Durbars held by Divisional Commissioners and District Magistrates for distributing certificates and rewards to the president and members of the union boards, but, Sir, I regret I had no occasion to find any of those getting any certificate or reward for any work of public welfare meant for improvement of sanitation of the villages or of economic condition of the villagers. Besides the fact that these boards are so many apples of discord, there is another reason for their unpopularity and that is too much official control. But the Hon'ble Minister has overlooked that point in framing the Bill. The Hon'ble Minister may tell the House that the exclusive jurisdiction for trial of some offences and some classes of suits will be confined on selected benches and courts only and the Local Government before conferring such jurisdiction will be satisfied about their eligibility in consideration of their past records.

We have some idea about the workings of the Government in these matters. The District Magistrate who is the recommending authority to the Government works on the report of the Circle Officers, and it is not unknown to those who live in villages how good grace of these officers is secured. We should not forget what class of people is proposed to be entrusted with exclusive jurisdiction to try some criminal cases and civil suits. Almost all of them are illiterate, having no experience of administration of justice, no capacity to sift evidence and whose judgment is available for purchase at a very low premium. The House should be in possession of opinion of those mufassal people who will be affected by the amending Bill being passed into law. We have heard from the Hon'ble Minister's statement that a Conference of Presidents of Union Boards was held in December 1931. We don't know how many presidents attended the Conference, what was their educational qualifications, what are the resolutions adopted in the Conference and whether those were published in the newspapers and public opinion was invited after intimating Government's intention to legislate on the basis of those resolutions. If the Government was really anxious to give effect to the resolutions adopted in the Conference, why the Government took these long three years for drafting a Bill. What strikes me most, why the Hon'ble Minister is in such a hot haste: we

have found him invariably to move for circulation of all non-official Bills and for recirculation even, however small the subject matter of the Bill may be. It is not a Bill of emergent character for prevention of loss of revenue to the Government nor for maintenance of law and order of the province. The Hon'ble Minister may profitably wait for a few months more for public opinion on the subject.

Dr. NARESH CHANDRA SEN GUPTA: I support the motion moved by Mr. Abul Quasem. Like Mr. Abul Quasem, I have every sympathy with this measure. I am not one of those who believe that the union boards are all bad. On the contrary, I am one of those who believe that in the village union boards we have an instrument which, if properly utilised, will do no end of good to the country. The Bill which has been brought before us is not the sort of measure which we should like to have in connection with the Village Self-Government Act. This Act was passed in 1919. It has been in operation for a number of years; its working has come under the review of the Government and of the public. Before any measure of a comprehensive character is undertaken, the full nature of the evidence of their activities should be assessed—how far they have succeeded, in what respects they have failed, and to what extent that failure is capable of being remedied. That is an investigation which requires an amount of patient research which is not to be found at a Conference of the Presidents of Union Boards, with a sprinkling of chairmen of district boards who might very well be characterised by people outside as being self-appointed. What have the people got to say about them, and how far do they approve of the recommendations of these presidents of union boards? We want to know that. We want to know them before we proceed any further. There is also a body of opinion which has been voiced, to some extent by Babu Hem Chandra Roy Choudhuri, an opinion which, however, I do not wholly share, that the union boards are looked upon more or less as nuisances. Well, Sir, I have been a great supporter of union boards and have for years together been trying to help them in my humble way with advice and assistance, and I must confess that in spite of the good work that they have done, there is still much dissatisfaction in the villages. Has that opinion in the villages been properly assessed and evaluated? I am sure Government cannot say that any systematic attempt has been made to assess or evaluate that opinion; beyond getting reports, on which Government base their resolution, I do not know if anything further has been done and with regard to these reports we know how they are made. That seems to me a good ground for circulating the Bill for eliciting public opinion, not merely the opinions of presidents of union boards but of the public who are served by the presidents of the union boards.

It has also been said that they should have additional jurisdiction and in some matters exclusive jurisdiction; I am all in favour of it

theoretically, but we have got to consider how far the powers which have been conferred on union boards have been judicially exercised and exercised with proper care. Have you taken statistics and have we got all the information available to us or should we not ask the villagers themselves as to what views they hold on them? So we should by all means give them an opportunity of expressing their opinion on the Bill.

There is another aspect which has been hinted at by Maulvi Abul Kasem, that the Bill does not go far enough. One of the crying demands of the union boards at numerous Conferences has been the demand for more funds. They have asked over and over again that they may be given some definite grant by Government and possibly a statutory grant or a statutory ratio of money being granted to them, with reference to which taxation had been broached, but the Bill gives a wide berth to that problem, which is the problem of problems to union boards. The union boards have worked manfully in raising large funds, but those funds still remain inadequate in spite of all the grants that are made to them by district boards, for the work they have in hand. Then, into that fund what a tremendous encroachment is made by the expenditure on *chaukidars* and *daffadars*, over whom they have no control! That, again, has been one problem over which the union boards have cried themselves hoarse. I do not know whether the Hon'ble Minister is aware that there is a paper called *Palli Samaj* and in that paper we find a long series of articles by members and presidents of union boards in which this question has been discussed. Then, again, Chapter III of the Act which deals with *daffadars* and *chaukidars* is left severely alone in the amending Bill except for two small things which might perhaps been done away with. And while there has been the most urgent need to relieve these union boards of the tremendous statutory burden put upon them for police expenditure which ought in all conscience to be a public charge, and while the towns are policed at the public expense yet the villagers must pay for their own police! If there is justification in that, there is certainly equal justice in saying that the man who pays the piper has the right to call for the tune. But if you look to section 21 of the Village Self-Government Act you will find that the number of *daffadars* and *chaukidars* to be employed in a union; the salary to be paid to them and the nature and cost of their equipment shall be determined from time to time by the District Magistrate after consideration of the views of the union board. Numerous union boards have in the past made suggestions, very humble suggestions, such as that the number of *chaukidars* maintained in the villages might be reduced in order that there might be some funds coming into their hands for other purposes and some of the union boards have suggested that this may be done in order that the remaining *chaukidars* could be more adequately paid. Salaries paid to the *chaukidars* are in most

cases most inadequate, and the services rendered by them are in many cases inadequate also. Some union boards have recommended that the number of *chaukidars* may be reduced and their salaries raised so that they might have a more efficient body of village police. There was a time when proposals like these were absolutely thrown out by District Magistrates, but since then there has been a somewhat welcome change in the attitude of some District Magistrates and their recommendations have been accepted in a few cases. Unless we can do something with regard to these *chaukidars* and *daffadars*, unless we can remove the anomaly of dual control over these men, you will not be giving them what they ask for. These *chaukidars* and *daffadars* are under dual control; they are under the control of the police and also under the control of the presidents of union boards, and the result is that, to the police they say "we are working under the presidents" and to the presidents they say "we are working under the orders of the police," and therefore they manage to do precious little—a very clumsy and inefficient way of managing the village police. Over the union boards also this element of dual control exists. The district boards exercise some control over union boards, but they have not got the machinery by which to exercise that control. On the other hand, District Magistrates have also control over the union boards and that control is exercised through an effective machinery, viz., the Circle Officer, who is not to be found in this Act, but who is, however, to be found everywhere in union boards: it is the Circle Officer who rules the union boards and, in numerous cases, to call union board government self-government by the villages, has become absolutely a misnomer. These are questions which have got to be dealt with in a comprehensive legislation for the purpose of improving the union boards. Government should help these union boards with funds and advice and the Circle Officer is their friend, philosopher and guide, but is the truth anywhere near that? Is not the truth rather the other way about in 90 cases out of 100? I do not know whether these matters have been investigated. I have personal experience of only a few union boards; so I cannot hazard any general opinion with regard to them. Anyway, that is a matter which has got to be investigated and people who know most should be given an opportunity of expressing their opinion and saying on what lines legislation should be undertaken. These are some of the matters which require consideration and for these reasons I submit that the least that Government can do is to circulate the Bill widely, so that not only the opinion of people living in towns and cities but also of the villagers who are primarily concerned, may be available to Government and on the basis of those opinions alone Government should frame its programme. I therefore strongly support the motion for circulation.

Rai Bahadur KESHAB CHANDRA BANERJI: I rise to oppose the motion for circulation. (CRIES OF: "Hear! hear!"). Wait and you

will hear many things more. This is a dilatory motion intended to delay the passage of the Bill, and I fail to understand what useful purpose will be served by deferring the consideration of the amendments which are long overdue. The Hon'ble Minister in his opening remarks has made a detailed survey of the position with regard to village self-government in Bengal since the Village Self-Government Act of 1919 was brought into operation. The Bengal Municipal Act has been amended, so also the Bengal Local Self-Government Act; the only Act of a similar character which requires modifications is the Bengal Village Self-Government Act of 1919. As has already been pointed out by several speakers, this Act has been in operation for nearly 15 years and successive district officers and those concerned with the administration of union boards—primarily district boards and local boards—have urged from time to time the necessity of amending the Act, and it is in order to remove certain anomalies and to put the Act on a more democratic basis that the present Bill has been introduced. Many of the new provisions which have been incorporated in the Bill are the result of protracted deliberations at the conferences of presidents and members of union boards held in the mufassal from time to time, and finally at the Town Hall, Calcutta, in December, 1931. I was present at the Calcutta Conference and also at the conferences held in my district every year which were opened by His Excellency the Governor. This Act (Act V of 1919) has been discussed on many occasions and there seems hardly any necessity for further inviting public opinion on its provisions. Babu Hem Chandra Roy Choudhuri has said that he is not aware how many presidents and members of union boards attended the Calcutta Conference and what were their educational qualifications. Dr. Sen Gupta contends that important questions like those connected with local self-government cannot be decided at a conference of presidents of union boards with a sprinkling of district board chairmen. He further adds that it is the public who should have a say in the matter. I will deal with these points one by one. Regarding the question of attendance raised by Babu Hem Chandra Roy Choudhuri, I should like to inform the House that four members from each district were invited, besides the chairmen of the twenty-six district boards in Bengal. With regard to the question of educational qualifications, I fail to see how it arises in this connection. Well, Sir, it is a matter of common knowledge that the majority of the people in the rural areas are not well educated, but I can say from my personal experience that quite a large number of them are educated enough to understand the provisions of the Bill. Dr. Naresh Chandra Sen Gupta has said that the public should be consulted. May I ask him what organisations are there in the villages besides the union boards to represent the public? If the public are to be consulted, it is the union boards whose opinion should be taken into consideration. The only thing that the Government can do, if they want to consult public opinion, is to send the Bill for the opinion of

the local bodies and associations competent to throw light on the provisions of the Bill. District boards and public associations have already given full and frank expression of their views as to the amendments necessary. I do not think it desirable at this stage to waste time by inviting further opinion on the subject. Hem Babu says, that the people in the villages are not qualified to express any opinion on the question. If that is the real state of things, then the Village Self-Government Act should be repealed forthwith and we should go back to the old *panchayeti* system of rural administration. Certainly, Mr. Roy Choudhuri underestimates the capacity of our village people. Sir, certain districts are being brought under the operation of the Primary Education Act and it is high time that the people realised their responsibility, but if after 15 years it is now said that the village people are not fit to manage their own affairs, they will never be able to do so. I do, however, admit that the Bill as drafted has made some important omissions and that there is room for further improvement. Nevertheless, it is a distinct advance upon the present Act as it provides for development of cottage industries, improvement of sanitation and encouragement of primary education by payment of grants-in-aid to schools. The Bill also contemplates to empower the union boards to render financial assistance to agricultural and technical schools. It cannot, therefore, be denied that the Bill goes far enough to meet popular demands. The Select Committee will be competent to discuss the amendments in detail and suggest improvements for the consideration of this House. There is, however, one question with regard to which I am in full agreement with Dr. Naresh Chandra Sen Gupta. He has complained about the lack of funds in union boards. I do, however, admit that it is a great handicap. The Hon'ble Minister has said that out of Rs. 80 lakhs realised by union boards as rates in 1932-33, Rs. 66 lakhs were spent to meet the salaries of the *dafadars* and *chaukidars*. That is an aspect of the question which requires very serious consideration, and the question can be dealt with later on. It is for the Select Committee to suggest improvements. When the report emerges from the Select Committee it will then be time for the members to put in suitable amendments. So, Sir, we see that only Rs. 14 lakhs were available for works of public utility. These, however, are matters of detail into which we need not go at this stage. With these words, I oppose the motion for circulation.

Dr. NARESH CHANDRA SEN GUPTA: Sir, may I ask whether it would be open to the Select Committee to suggest any amendment to those sections which have not been touched by the Bill?

Rai Bahadur KESHAB CHANDRA BANERJI: I have said that these might be discussed in the open Council.

Maulvi ABUL KASEM: Sir, I rise to support the motion of my colleague and my namesake which is under discussion. I want to say that I endorse whole-heartedly whatever has fallen from the lips of Dr. Naresh Chandra Sen Gupta. He has put the case very strongly and eloquently, and I am afraid most convincingly. Of course, it may be convincing to all of us but not to the Treasury Bench. The time has come when there should be a comprehensive inquiry into the working of the Village Self-Government Act and the Act should be amended *ad hoc* and not piecemeal. Here the Government only puts in the amendments which have been suggested to them by their own executive officers, because they are the men who know everything that concerns the welfare of the people of this country. The next thing is that Government is very deeply concerned about the rural area and the rural population, and they are always willing and anxious to help in the improvement of village life by asking them to tax themselves and pay the money. But whatever funds are there in their own hands they must be spent elsewhere. I have been just now told by Rai Bahadur Keshab Chandra Banerji that there is no need of wasting any time. I say that the sky will not fall down if these amendments are not carried to-day. Better consider the well-being of the people. The union boards concern the population who are the bread-winners of the whole province; they are the earning member of the family, and what is more it is a fact that they are the most neglected and uncared-for people in the province. Sir, we have been told that Rs. 66 lakhs they have to pay as salaries of *chaukidars* and *daffadars*, but if the village people want their paddy-fields or a few mango trees or a bunch of plantain trees to be protected they cannot find a single *chaukidar*. As for the big and rich men, the treasury of Bengal is always ready at hand to protect them and pay for the police and for watch and ward, not only that but to prevent their motor cars from running into a tram-car or cow-cart, as motor cars are very costly and cannot be spoilt. Besides, there are other reasons for which this Bill should be circulated for eliciting public opinion. I believe I am the only man present here of those who were members of this Council when this Village Self-Government Act was first introduced in the Bengal Legislative Council. I may remind the House or rather ask the House to inquire if it is not a fact that in the original Bill the definition of a voter and the qualifications of a member were the same. Both were to be residents of the village. It was on my amendment that a change was made and there was a difference between the voter and the qualifications of the candidate. One must be an absolute resident of the union and the other should have some property or a residential house. The object for which the Legislature considered this to be essential was that Government should be by the people living in the village, but unfortunately the law officers of the Crown and the executive officers of Government have interpreted it in a way by which pleaders and *mukhtears* living in

Calcutta are presidents of the union boards. This is an anomaly. It is actually not giving the right of self-Government to the rural population who are the real cultivators and paymasters. This, Sir, should also be considered, and I think a little explanation should be added to it. For these reasons it is absolutely necessary that the Bill should be circulated not only for the opinion of the associations but also for the general opinion of your executive officers, if you like, and of Circle Officers and *chaukidars* too. But, whatever it is, time should be given for the consideration, for a comprehensive consideration as suggested by my friend Dr. Naresh Chandra Sen Gupta.

Then, Sir, a question has been raised as to the educational qualifications of a man living in the rural area. Well, Sir, I come from a village and challenge anybody to contradict me that a village cultivator, though not an M.Sc. of the Calcutta University, is as qualified to speak on general questions of rural sanitation and similar other matters as a distinguished graduate of the Calcutta University. Therefore, I claim that it is not a University certificate that matters, but that it is a question of strong common sense and what is more important is the sense of duty and responsibility. Rai Bahadur Keshab Chandra Banerji has said that although the Act has been in force for the last 15 years the people have not yet fully realised their responsibility. With due deference to the Rai Bahadur, I can say—how could they realise their responsibility when they had not been allowed to realise that responsibility? Just now Dr. Naresh Chandra Sen Gupta has said that the Circle Officers and Subdivisional Officers interfere with the work of the union boards and to a large extent the work of the union boards is done under the direction of the Circle Officer. This is a question which ought to be seriously considered by the Hon'ble Minister. I therefore appeal to the House to carry this amendment and have the whole thing considered. I may remind them that since the world has not come to an end up till the end of 1934, this world will continue to go on till the end of 1935 without this Bill being enacted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At the outset I might tell the House that Government had the opinion of everybody concerned—the presidents of union boards, the members of district boards, the chairmen of district boards, the executive officers of Government and the union board associations in different districts before they decided to bring forward this Bill. (A VOICE: Not district boards.) The chairmen of district boards have certainly voiced the opinion of district boards. Sir, the chairmen of district boards certainly voiced the opinion of district boards. (A VOICE: At Darjeeling.) Not at Darjeeling but here, at a conference in Calcutta. And I do not think anything will be gained by accepting the motion of Maulvi Abul Quasem. He says that it is not a dilatory motion, but I venture to submit that its results will

be nothing else but to delay this important piece of legislation. The amendment of this Act is overdue, and Government would have undertaken its amendment some years ago but for their preoccupation with some amending Acts, the amendment of which was more urgent.

Babu Hem Chandra Roy Choudhuri criticised the working of union boards in a most merciless way. He seems to have no confidence in union boards. If his opinion is to be accepted, then I am afraid the foundation of local self-government in this country must be uprooted and thrown into the river Hooghly. If half of the allegations made by Mr. Roy Chaudhuri are accepted, then the Bengali community—Hindus and Muhammadans—I venture to submit have no right to claim self-government. If after having worked the union boards for the last 14 years we have to accept the opinion that has been trotted out with levity on the floor of this House, then where do we stand? Then union boards and district boards all must go, and the District Magistrate should be invested with the power of carrying on the administration as they used to do twenty years ago. I am quite sure, Sir, that that is not the opinion of the people of this country to-day.

Sir, Dr. Sen Gupta criticised the provisions of this Bill on the ground that there is no proposal for giving financial relief to the union boards. I admit, Sir, that there was no proposal for contribution from the provincial exchequer towards the pay of the chaukidars. I would remind my hon'ble friend that the total cost of chaukidars amounts to about Rs. 60 lakhs. It is not possible in the present state of our finances to make any substantial contribution towards that expenditure. If the amendment of the Act has to be postponed till money is available for the payment of the salaries of the chaukidars, I am afraid we shall have to wait till Doom's Day.

Sir, in this connection I would just like to inform the hon'ble members who may not be familiar with the working of the union boards or of district boards that Government make an annual contribution which now amounts to nearly ten lakhs to district boards—a major portion of which has to be spent on the improvement of villages. The district boards in their turn contribute a substantial portion of this grant to the union boards; I mean the augmentation grant. (DR. NARESH CHANDRA SEN GUPTA: Is it not distributed on the recommendation of Circle Officers?) No; it is left entirely to the district boards to make grants to the union boards. Sir, I am glad to say that, in spite of the complaint that has been made by the union boards, statistics show, that district boards are paying to the union boards—at any rate, a majority of them substantial amounts. We only wish that the contribution should be increased further, but that does not justify the remark that union boards do not get any financial assistance from Government. They get though indirectly.

Sir, Dr. Sen Gupta said that he has no confidence in the inspection reports of union boards. These inspections are very thorough and very systematic. They are carried out by the Circle Officers and Subdivisional Officers, who are men of equal responsibility and of equal education, as my friend Dr. Sen Gupta. Many of them are first class graduates of the University of Calcutta.

Dr. NARESH CHANDRA SEN GUPTA: Your are wrong: They are much more educated than myself!

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Probably so; at least they are men possessed of much more common sense. So, I do not think that Government need depend upon any other machinery for the report of the working of the union boards. They can depend on the District Officers, the Subdivisional Officers, and the Circle Officers. They are all children of the soil, and they have got the interests of the country at heart as much as my hon'ble friend has. Simply because they are paid officers of Government, it is no use saying that their reports are not to be trusted.

Dr. NARESH CHANDRA SEN GUPTA: Sir, on a point of personal explanation. I never said that Government should not get their reports: all that I said was that those reports were not the only thing on which Government should act.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as I have already said, Government have got the opinions of the union board associations. They held their meetings in different parts of the province—almost in every district. They sent up resolutions expressing their views on the working of the union boards; those views I think, are good and a safe guide for Government to act upon.

Sir, Maulvi Abul Kasem has said that the rural population had been neglected and that therefore there should be a thorough inquiry into the working of the union boards. I do not know how a more thorough inquiry into the working of the union boards than that done already by Government was practicable. Government have got the opinions of all who are concerned and are conversant with the working of the village union boards.

Sir Maulvi Abul Quasem, the mover of the amendment, has said that a new power is going to be given to Commissioners of Divisions to supersede union boards and union benches. That is not so. If the president of a union board has to be removed, it is done at present on the recommendation of the district board and the District Officer by the Commissioner. So, the Commissioner is also the appointing authority; so he is not going to be invested with any new power, as has been suggested by Maulvi Abul Quasem. This power is an alternative to complete supersession of the board, which is not always desirable. The difficulty now is that if a particular member of a union court or bench is found to be dishonest, nothing short of supersession of the union board is possible. Government have got no remedy against any particular member. Either the board has to be superseded or the power of bench and court has to be withdrawn from the board. That is not very desirable, when the removal of a particular member of a union court or a union bench might remedy the situation. That is why this new power is proposed to be vested in the Commissioner, who is already the authority of superseding the board or of withdrawing the powers of union court and bench from a board. So, there is nothing new in this proposal.

Sir, another criticism of this Bill was that this measure does not contain provisions for giving power to union boards over the *chaukidars*. The *chaukidars* are, for ordinary purposes, now under the control of the union boards, subject to the supervision of the District Magistrate in matters of appointment and general discipline. The Act of 1919 released the village police from the control of the provincial police. (DR. NARESH CHANDRA SEN GUPTA: Does it refer to a dreamland or facts?) Government have got control over the village police through the District Magistrate. Sir, that is an improvement that was brought about by the Act of 1919.

Sir, I would strongly oppose this motion for circulation, which means only delay, and unnecessary delay. The amendment of the Act is long overdue, and it is absolutely necessary that it should be brought in line with the new constitution which is going to be introduced very soon. This Bill proposes to reduce the franchise qualifications, to grant franchise to the educated people in the villages, to increase the jurisdiction of union courts and union benches, to invest the union boards with power to make grants for the improvement of agriculture, of sanitation, of contributing to technical schools where the people residing in union board areas might prosecute their technical education. These are certainly distinct improvements, and I would, therefore, strongly oppose the motion for circulation.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I have no intention of going into the merits of the various clauses of the amending

Bill, but I would only touch on one point, viz., that the amendment Bill, as drafted, will not be of very great use, unless better arrangements are provided for giving more funds to the union boards. Whatever power we may give to union boards, and however much you may enlarge their powers of spending unless you give them at the same time more income, it will be impossible for these union boards to function properly. The Hon'ble Minister has said that this amendment of the Bengal Village Self-Government Act is long overdue. That is perfectly true. But I would remind him that a measure of great urgency, which will particularly help the union boards and to which a reference was made only this morning by means of a question—I mean the abolition of the local boards—has been pending since 1926, and Government are still considering it in the year of grace 1934. I would remind him that this is a measure of more urgency, a measure which will directly help the union boards and to which a reference was made only this morning by a question—I mean the abolition of the local boards. This question has been pending since 1926, and Government is still considering it. It is well known—and the Hon'ble Minister also knows very well—that a large slice of the income of the district board is taken away by the local board for which the district does not get a proper return. If the local board is abolished, the money which is contributed by the district board to the local board will be available for being distributed among the union boards, and the utility of these boards will be very much extended. At the present time, the local boards get on an average about Rs. 6,000, half of which is spent on travelling allowance of the members, nearly one-fourth on small petty establishment and only a small sum is spent on the improvement of local self-government. I think it would be much better if side by side, or even before you take up this amendment of the Village Self-Government Act, you could take up the amendment of the Local Self-Government Act and abolish the local boards and bring the union boards directly under the control of the district boards and provide them with more funds that is done at the present moment. Some of the previous speakers have raised the question of financing the village police by Government. That is a very large question, Sir, and I do not wish to go into the matter now. But I should certainly think that the dual control over at least a part of the village police—the daffadars—is at the present moment very unsatisfactory. Formerly the chaukidars were also under dual control, and at the present time also they are to a great extent under the control of the sub-inspector of police. The Hon'ble Minister has said that the sub-inspector has nothing to do with the village chaukidar; Sir, that is not correct. The sub-inspector cannot do anything without the help of the local chaukidar or daffadar. For this I have no complaint, because the sub-inspector has got no other agency to help him in his inquiries, investigations, and so forth. Until some sort of provision is made by which the chaukidar can be placed entirely at the disposal of the union boards, Government ought to finance at least

a portion of the cost of the village police. As I have already said, Sir, this is a large question which I shall not discuss further. All that I want to say now is that there are other measures which will improve this amending Bill further. To amend the Village Self-Government Act before you amend the Local Self-Government Act is to put the cart before the horse. Why not circulate this Bill, and in the meantime bring an amendment Bill to the Local Self-Government Act and deal with both of them simultaneously so that one can be considered along with the other. These things have been pending for over ten years now, and they may still remain pending for another couple of months. There is absolutely no hurry. Since there is a very large amount of non-official opinion in favour of circulation, I would advise the Hon'ble Minister to emulate the example of Sir Brojendra Lal Mitter in what he did only yesterday, namely, when he accepted the motion for circulation because a considerable number of members were in favour of circulation.

With these words, Sir, I support the motion.

Mr. P. BANERJI: Sir, I beg to support the motion for circulation. After hearing the Hon'ble Minister, I am now more convinced than ever that Government should support this motion for circulation. I think the Hon'ble Minister has betrayed a colossal ignorance of the administration of the union boards in the villages. The Hon'ble Minister has just said that there has been much improvement since the introduction of the Village Self-Government Act. I consider that the Act which was put into operation 14 years ago has been a retrograde step altogether. The Hon'ble Minister also complains that after 14 years it has been found that the Act is not workable. If that be so, it shows that we are unfit for self-government. I consider that this Act has helped the people to perpetuate the feuds and dissensions amongst our countrymen. When the Act was passed 14 years ago, it was put into operation in almost all the districts of Bengal except one, and that is the district of Midnapore. In that connection, Sir, the then Minister, the late Sir Surendranath Banerjea, tried to compromise the matter but failed, and the fight went on. Had the Act been found profitable to the people of Bengal, there would have been no hesitation on the part of the people of any district to have it put into operation there. But that was not done. What was done was to put into operation in these districts only where it was expected to be favourably received. It has been said by the Hon'ble Minister that this Bill has extended the scope of local self-government in villages, but I consider the term "local self-government in villages" a misnomer. There will be no harm if the Hon'ble Minister will wait for a few months by sending the Bill for circulation. Sir, I consider the members of the union boards to be a gang of spies.

(BABU JITENDRALAL BANNERJEE: Question.) Sir, Mr. J. L. Bannerjee should have the patience to wait and hear me, and then he will have his opportunity to speak.

Rai Bahadur KESHAB CHANDRA BANERJI: On a point of order, Sir. Is the hon'ble member entitled to cast reflection on gentlemen in that fashion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there are members here who are also members of union boards, and I hope the hon'ble member withdraws his remark.

Babu JITENDRALAL BANNERJEE: Sir, the hon'ble member has said that the members of the union boards are a gang of spies. Is he entitled to make that remark?

Mr. PRESIDENT: It would be graceful on your part, Mr. Banerji, to withdraw what you have said.

Mr. P. BANERJI: Sir, I bow to your ruling, and withdraw the statement.

Sir, it has been rightly pointed out by the Khan Bahadur as to what these *chaukidars* do. These *chaukidars* are absolutely in the hands of the *thana* officers. Even in these days, these *chaukidars* have to do such domestic work for the sub-inspector of police as chopping wood, marketing, etc. That being so, and being always busy in the *thana* doing the private work of the sub-inspector, the *chaukidar* does not care to do his official duties. I must also draw your attention to the fact that these union boards through the *chaukidars* are used as a machinery for the distribution of the pamphlets of Government.

Rai Bahadur Dr. HARIDHAN DUTT: What is the harm?

Mr. P. BANERJI: One hon'ble member says, what is the harm? But I think, Sir, it is not necessary to take notice of that, though I must point out that that is not the primary duty of the *chaukidar*.

Then, Sir, the presidents and members of union boards are often rewarded, and for what?—not certainly for doing their ordinary duties, but for helping the police and the Government, and this is done on the recommendation of the police and the Magistrate, and not certainly on the recommendation of the district boards and union boards which, the Hon'ble Minister claims, are unique.

Sir, the Hon'ble Minister has been jubilant over the fact that the Bill is a distinct advance in that amongst others there is a provision in the Bill for helping local industries. On the other hand, Sir, the Hon'ble Minister in charge of the portfolio of Industries has always been complaining that there is no money for his department. Sir, where is the fund to come from for this purpose? Whenever any suggestion is made to the Government, the only excuse put forward is the paucity of funds. If there were more funds available, the Hon'ble Minister himself could have utilized them in distributing more quinine. That being the position of this bankrupt Government, I ask where is the money to come from? The Hon'ble Minister then says that Rs.10 lakhs have been given to the district boards all over Bengal. Not to speak of ten lakhs, even ten crores is not sufficient for the purpose. Then, Sir, there is a proposal to form union benches and courts. He says that on the recommendation of the Civil Justice Committee, power has been taken to give selected union benches exclusive jurisdiction to try suits. He is going to confer on these courts exclusive jurisdiction in any or all classes of suits triable by those union benches. The result of this will be that at the instance of some interested people, the villagers will always be kept in a state of perpetual feud and dissension.

Then, Sir, the Hon'ble Minister has said that the opinion of presidents and members of the union boards has been obtained. It may be remembered that the opinion of certain members and presidents of union boards was taken so late as in December, 1931. We do not know, Sir, whether that opinion was the individual opinion of certain presidents and members or was the opinion of the Conference as a whole. When those presidents and members came to the Conference in 1931, nowhere it was suggested that they were called to attend it with the express purpose of voicing the opinion of their boards on this question. Therefore, it cannot be legitimately claimed that the opinion of the union boards was there. For these reasons, Sir, I consider that the Bill should be circulated for eliciting public opinion thereon.

With these words, Sir, I support the motion.

Babu JITENDRALAL BANNERJEE: I should like at the very outset to repudiate, as warmly as I possibly can, the charges, insinuations and innuendoes made against the union boards of Bengal, and the members and presidents of union boards, by Mr. Hem Chandra Roy Choudhuri. Corruption, inefficiency and all sorts of charges were brought against them—unfounded, imaginary, baseless, dishonourable and uncharitable. We can only excuse him on the ground that he was ignorant, and that he was speaking about something of which he did not know, and he evidently did not know the value of the words he was uttering. I am quite sure that he was speaking without a sense of

responsibility and could not possible have given vent to such utterly unfounded calumnies against an honourable and honest body of gentlemen——

Babu HEM CHANDRA ROY CHOUDHURI: On a point of order, Sir, is the hon'ble member in order in saying that I cast reflections on those gentlemen?

Mr. PRESIDENT: Although I do not approve of some of the words used by Mr. Bannerjee; I think his real intention was to repudiate your attack on union boards.

Mr. JITENDRALAL BANNERJEE: I thought I was making a brief underestimate of the case.

Mr. PRESIDENT: But, let me tell you that I have taken exception to the word, "dishonourable" that you used. You should not call a member of this House, your colleague, dishonourable.

Babu JITENDRALAL BANNERJEE: But an hon'ble member is always supposed to be honourable in his attack. So far as that is concerned, I accept your ruling.

Within the last six months, I had the opportunity of inspecting the work of at least 60 union boards. Not a perfunctory 5 minutes' inspection but as thorough, complete and as painstaking as I could possibly make it to be, and I am glad to inform the House that not in one of the sixty union boards did I come across any proof or instance of corruption. Inefficient management of the boards there was, but this inefficiency is not more than the usual average inefficiency that we meet with everywhere. Nowhere did I find that union boards as union boards were unpopular. Members here and there might be unpopular. Presidents here and there might be unpopular and any election might have left bitter memories; but that was all. On the other hand, so far as unpopularity is concerned they were certainly extremely popular and their popularity was evinced by the fact that there was keen contest for the election to the seats everywhere; at least it was so in my district and there is no reason to believe that my district is an exception.

So far as Mr. P. Banerji's remarks are concerned, I should not like to waste the time of the Council by bestowing any criticism upon them. They do not deserve any criticism. All that I can say is that, although they do not deserve the name of criticism but his criticisms such as they were, were based upon a profound, utter and abysmal ignorance of facts. I can say without fear of contradiction that Mr. P. Banerji has no personal experience whatsoever of the working of any union board, nor

has he any right to speak on behalf of any body of men working as presidents of those boards. Again, in so far as he has voiced the criticism against the union boards, Mr. Banerji mentioned the instance of Midnapore, but if he had any pretensions to good memory he should have refrained from mentioning it. The instance of Midnapore is not a glorious chapter in the history of a life otherwise honourable and glorious. At the same time Mr. P. Banerji might recollect that in that very time, in the year 1921, the Bengal Provincial Congress Committee under the leadership of Mr. C. R. Das refused to endorse Mr. Sasmal's criticism and action referring to union boards. On the other hand, Mr. C. R. Das and the Provincial Congress Committee following his lead made it their business to capture these union boards and work them not for the purpose of abolishing or destroying them but for the purpose of securing the welfare and the well-being of the people of the villages under those union boards. That is an example my friend might follow instead of wasting his time and wasting other people's time and energies and in indulging in unfounded and uncharitable remarks.

With two points of Dr. Naresh Chandra Sen Gupta I fully agree: that the measure that has been put forward by the Hon'ble Minister does not go far enough and in certain respects certainly, the amending Bill may have been improved. One of the sore points about the union boards is the question of dual control over the village police. Khan Bahadur Momin was perfectly justified in all that he said about it and it is time that the dual control should cease. And another point and a very serious point is the sort of control that the Circle Officers exercise over these union boards. I am quite at one with Dr. Sen Gupta when he says that the Circle Officers are not true to their functions. Their business is not to control the union boards but to guide and advise the union boards. But they forget their duty and they affect to play the part of a *hakim*. That is the mischief of the whole thing. In this respect also the amending Bill might have gone further.

The other point that has been made, and that is a point that always remains, is the paucity of resources so far as the union boards are concerned. One question is: where are they to get their funds from? You increase their responsibilities and powers but how can they exercise their responsibilities and powers unless adequate funds are placed at their disposal? It is no argument to say that Government have no money. Government should have and ought to have money. Otherwise, where are they to go to? Unless the Minister is prepared to place adequate funds at the disposal of the union boards it is better that he should not meddle with their constitution at all. But while agreeing with the criticism of Dr. Sen Gupta, I do not think that any case has been made out for sending the Bill for circulation. Certainly changes are wanted but the changes which you require, the amendments which

you require, cannot possibly be supplied by the circulation of the amending Bill. For the purpose of securing these amendments a new Bill is necessary. In the meantime, here is a Bill that has been brought forward; it is a modest measure and an exceedingly modest measure, but certainly its effect will be beneficial and useful. Therefore my advice, my submission, to the Council would be to go on with the Bill as it has been presented and to make it as useful as possible and to demand a better Bill when the time comes.

Maulvi Abul Quasem's motion being put a division was taken with the following result:

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Shaik Rahim.
Banarji, Mr. P.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Maulvi Abdul Ghani.
Chaudhury, Maulvi Nural Absar.
Eusufji, Maulvi Nur Rahman Khan.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Mr. Hashem Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Mamin, Khan Bahadur Muhammad Abdul.
Poddar, Seth Hanuman Prosad.
Quasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Ray, Mr. Shauti Shekhareswar.
Rout, Babu Hoseni.
Ray Choudhuri, Babu Ham Chandra.
Samad, Maulvi Abdas
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ashworth, Mr. C. G.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Bannerjee, Babu Ditendralal.
Barma, Babu Premhari.
Barma, Rai Sahib Panchanan.
Bazir Uddin, Khan Sahib Maulvi Mahammed.
Bose, Babu Jatindra Nath.
Benjamin, Mr. H. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Burn, Mr. N. N.
Chaudhuri, Khan Bahadur Maulvi Nafazar Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Mr. S. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Babu Profulla Kumar.
Hoque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Lockhart, Mr. A. B. E.
Martin, Mr. O. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mohanda Behary.
Nag, Reverend B. A.
Nag, Babu Sak Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. G. K.
Poddar, Mr. Ananda Mohan.
Rahoom, Mr. A.
Rai Mahasai, Monindra Deb.
Ray, Babu Apurbadhan.
Ray, Babu Rajendra Narayan.
Ray Choudhury, Mr. K. C.

Roy Choudhury, Babu Satish Chandra.
Reid, the Hon'ble Mr. R. N.
Rees, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Sarat Kumar.
Sahana, Rai Bahadur Satya Kinkar.
Sarker, Rai Bahadur Rohati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Sen, Rai Bahadur Gris Chandra.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Steven, Mr. J. W. R.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

The ayes being 26 and noes 71, the motion was lost.

Babu Hem Chandra Roy Choudhuri's motion was then put and lost.

Maulvi HASSAN ALI: I beg to move that after the name of Rai Sahib Sarat Chandra Bal, the following names be inserted, namely:—

Maulvi Abdus Samad,

Kazi Emdadul Hoque,

Mr. Shanti Shekhareswar Ray, and

Maulvi Hassan Ali.

Mr. PRESIDENT: Would you like me to have one discussion on all the amendments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I may inform the House that I propose to oppose all the amendments. There are 20 names on the Select Committee already.

Mr. PRESIDENT: That is a different matter. I want to know whether you would be inconvenienced if I have all the motions moved, and then have one discussion on them. It will save a lot of time.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think that would be better.

Babu HEM CHANDRA ROY CHOUDHURI: I beg to move that after the name of Rai Sahib Sarat Chandra Bal, the following names be *inserted*, namely:—

Mr. Jatindra Nath Basu,

Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, and

Babu Hem Chandra Roy Choudhuri.

Mr. PRESIDENT: Did you receive the consent of the members you have named in your motion?

Babu HEM CHANDRA ROY CHOUDHURI: No.

Mr. PRESIDENT: Then your motion does not arise.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the personnel of the Select Committee has been very carefully selected. We have taken representatives from all the groups and I do not think it is necessary to add any more. I therefore oppose this motion.

Maulvi Hassan Ali's motion was then put and lost.

The Hon'ble Sir Bijoy Prasad Singh Roy's original motion was then put and agreed to.

The Bengal Workmen's Protection Bill, 1934.

The Hon'ble Sir JOHN WOODHEAD: I beg to move that the Bengal Workmen's Protection Bill, 1934, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

Clause 1.

The motion that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

The motion that clause 2 stand part of the Bill was put and agreed to.

The Hon'ble Sir JOHN WOODHEAD: I beg to move that in clause 3 in lines 7 and 8 for the words "in such manner or in such circumstances as to afford just grounds for suspicion" the words "in a manner, or in circumstances, indicating" be substituted.

The words as they at present occur in the clause are as follows:—

"in such manner or in such circumstances as to afford just grounds for suspicion."

That wording, Sir, has been criticised in a minute of dissent by Dr. Naresh Chandra Sen Gupta. Since the Select Committee sat we have looked at this wording carefully and Government have come to the conclusion that it could be improved upon particularly with a view to omit the word "suspicion." What I propose now, Sir, is that instead of the words "in such manner or in such circumstances as to afford just grounds for suspicion" the following words be substituted:—

"in a manner, or in circumstances, indicating."

I hope, Sir, that that will meet with the concurrence of those members who have taken objection to the wording as in the Bill.

The motion was then put and agreed to.

The motion that clause 3 as amended stand part of the Bill was put and agreed to.

Clause 4.

The motion that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

The motion that clause 5 stand part of the Bill was then put and agreed to.

Preamble.

The motion that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sir JOHN WOODHEAD: I beg to move that the Bill, as settled in Council, be passed.

The motion was then put and agreed to.

NON-OFFICIAL BUSINESS.

Special Motion under section 78A.

Mr. S. M. BOSE: I beg to move that this Council take into sideration the Report of the Joint Parliamentary Select Committee on the Indian Constitutional Reform and recommend to the Government of Bengal that the proceedings be forwarded to the Government of India for the information of His Majesty's Government and also for consideration by Parliament.

Sir, I approach this very important subject with a sense of its immensity and complexity. The elaborate report of the Joint Parliamentary Committee gives abundant evidence of a very close and anxious study of the vast subject of the Indian constitutional reform. The materials for comment are indeed very vast, but within the time at my disposal I shall only deal with a few matters mostly concerned with the province of Bengal.

Sir, at the outset we must express our profound regret and disappointment that the Joint Committee have, while admitting the reality and strength of Indian political aspirations, carefully omitted any reference to Dominion status as the goal of India's political advance. His Majesty the King-Emperor in his message, read by His Royal Highness the Duke of Connaught in February 1921, clearly stated that India should have the same status which his other dominions enjoy. Lord Irwin on the 1st November, 1929, made the remarkable statement with the full authority of His Majesty's Government that the natural issue of Indian constitutional progress as contemplated in the declaration of 1917 was the attainment of Dominion status. This he repeated on the eve of his retirement in 1931 in a speech at the Chelmsford Club. The Prime Minister, at the close of the Round Table Conference in January, 1931, concluded by expressing the hope that India will come to possess the status of a Dominion among the British Commonwealth, and the statement was accepted by the Cabinet as representing Government's policy. It is therefore a matter of surprise that there has been this studious silence, and this omission has greatly disturbed Indian public opinion. It is widely believed that this is deliberate, due to a stiffening of the English opinion amongst the diehards of an extreme type who do not recognise the right of India to claim equality of status. There is, I regret to find, in this report an entire absence of that spirit of mutual trust and goodwill that one would expect between partners in the British

Commonwealth of nations. Further, we have in paragraph 13 of this report the statement that the preamble of the Act of 1919 finally and once for all settled the ultimate aims of British rule in India. If that is so, for ever India is to be bound to the chariot wheel of England; for ever India is to be incapable of full self-government; for all times India is to knock at the door of the Parliament for any further dole of advance; for ever she is to have no power to guide her own destiny or frame her own constitution. This position is intolerable to us.

Sir, for the working of the new constitution in the provinces, it is essential that there should be adequate financial resources. On this vital point, grave injustice has been done to Bengal by the Committee. As we all know, ever since 1919, Bengal has been treated very badly in the matter of finance. For 14 years Bengal has been starved to provide revenue for the Centre. There was the inequitable Meston Award, the loss of our legitimate revenue from income-tax and from the jute export duty. Since 1916, Bengal has contributed over 50 crores from jute duty to the Government of India. The result has been that for several years past, in spite of the limit of taxation being reached, and in spite of the most rigid economy, the total deficit now standing as loan from the Government of India comes up to the enormous figure of five crores. The Third Round Table Conference, in adopting the finding in paragraph 13 of the Federal Finance Committee, admitted that the financial settlement in the case of Bengal was inequitable.

Bengal's case was that the deficit position of Bengal should properly be remedied out of the export duty on jute which is practically a monopoly of this province, and that the whole of the proceeds should be allotted to Bengal, though for a period of some years half might be given to the Federal Government.

Bengal further demanded that the income-tax raised in Bengal should be in the main returned to her. This has been retained and spent by the Centre. The justice of this claim has been at last admitted, and in paragraph 139 of the White Paper, it was laid down that a prescribed percentage, being not less than 50 and not more than 75 per cent of the net income-tax (except tax on companies) was to be given to the provinces, but during the first three years the Federal Government will be entitled to retain a portion of such sum, the amount so retained being gradually diminished to zero within seven years. The Joint Committee has not fully adopted even this very modest recognition of our claim to income-tax (paragraph 252) because of the heavy burden imposed on the Centre by the creation of provinces and subvention to the States.

Sir, this brings me to the question of creation of provinces. The Simon Commission were definitely against the creation of such provinces. It is a matter for regret and astonishment that there has been a wholesale departure from this recommendation; and since then three new provinces have been or will be created. This will admittedly involve a very heavy financial strain. The North West Frontier Provinces will get an annual subvention of Rs. 1 crore (paragraph 259). Sind is to get 75 lakhs, thus relieving Bombay of 65 lakhs (paragraph 268). Orissa is to get 50 lakhs, thus relieving Bihar of 15 lakhs (paragraph 269). The amount allotted to Sind, it has been stated, will disappear probably in 15 years; but we all know such expectations are never realized. These Provinces will of course ask for a High Court and a University, so that the burden on the Central will be heavier in course of time. Then there is the new overhead charge of 75 lakhs for the creation of the Federation, and a subvention of Rs. 1 crore to the States annually (paragraph 271).

Sir, the above heads of expenditure make up a total of Rs. 4 crores of additional burden. So it is no wonder that the Joint Committee in their Report, after saying the percentage to be given to the Provinces should not exceed 50 per cent., frankly state in paragraph 252:—"The facts discussed below indicate that for some time to come the Centre is unlikely to be able to do much more than find the funds necessary for the deficit provinces; and that an early distribution of any substantial part of the taxes of income is improbable." In paragraph 249, they state:—"The difficulty is rather that the Federal Centre is unlikely, at least for some time to come, to be able to spare much, if anything, by way of fresh resources for the Provinces, apart from the pressing needs of deficit areas to which we refer below." Now we realize that we have nothing to hope from the Centre and that our admitted claims have been flouted. Whereas Bombay gets a subsidy of 65 lakhs, Bengal will get nothing of her just dues. I, therefore, entirely endorse the proposals of the Bengal Government made in the Budget speeches of the Hon'ble Sir John Woodhead in 1933 and in 1934 that we should press hard for a total cancellation of all our debts to the Centre. This repudiation of debts is perfectly justified. As he said, in February 1934, repeating what he said in 1933:—"We consider it of paramount importance that the new Government from the inception of the Reformed constitution, should not be loaded with a mass of unproductive debts," and he went on to say that appropriate steps should be taken to rectify the injustice of the past and to compensate Bengal for the drain to which she has been subjected, and also to wipe out all excess of expenditure over receipts since 1930-31. This, he added, is a very modest form for that compensation to take. Now, Sir, this is what was said, not by an irresponsible Congressman, but by our Finance Member with a full sense of responsibility.

I lay the greatest stress on this vital question of finance, for, to my mind, given adequate finance, even Ministers with very limited powers, with many safeguards, can make the constitution workable and acceptable to the people. Judged by the test of finance, the new scheme fails utterly.

The essence of parliamentary Government is that there is to be strong party system, and that the opposition is to have the chance of coming into power. This makes them act with a sense of responsibility, because they may at any moment come into power. The need for a strong party system in India is stressed by Englishmen. The Joint Committee in their Report (paragraph 111: lines 28-29) say: "His Majesty's Opposition is not an idle phrase, but embodies a constitutional doctrine of great significance." But the Committee's recommendations are not in any way calculated to help the growth of a responsible opposition, or of responsible criticism. To my mind, the weakest point in the proposals is that no alternative form of government is possible. The Joint Committee do not recommend real democratic government; the essence of this is the growth of a strong public opinion, which can convert a minority party into a majority, and *vice versa*. This public opinion is at once a valuable safeguard against the tyranny of the majority, as well as a check on irresponsible criticism or obstruction by the minority. These foundations of parliamentary government are lacking in the scheme of the Joint Committee. They have ignored the spirit of democracy and have made it powerless to affect government. Their scheme implies "a permanent majority in the legislature unalterable by any appeal to the electorate," as has been well stated by the Marquis of Zetland (Volume I, Part II, page 338), citing the Simon Commission's Report. If a minority community which has, as the Marquis of Zetland puts it, played an enormously predominant part in the intellectual, the cultural, the professional, and the commercial life of the province, are for ever to remain a minority, then, I ask, what value can we attach to the phrase "His Majesty's Opposition"? Will not this intolerable position result in wild irresponsible criticism, obstruction and opposition within the Council, and something far worse and insidious outside? When the statutory minority, who are well able by their education and culture to take a prominent part in the legislature, are to be for all times shut out from their legitimate aspirations and rights, is it not quite probable that, goaded by a keen sense of disappointment and injustice, they may turn to unconstitutional agitation?

In these circumstances, when there is no real democracy, when the majority of to-day is the majority for all times, I do think there should be some sort of check, some reserve power in a high official representing

the Crown and exercising the prerogatives of the Crown. I have all my life been opposed to safeguards and reserve powers, which are incompatible with real democracy; but having regard to the peculiar circumstances in Bengal, referred to above, I do feel that there should be some external check, something to stop abuse of power by a permanent majority. But, of course, a frequent use of such exceptional powers will retard the growth of responsible Government.

Sir, I now turn to say a few words about the so-called communal decision or Award and the Poona Pact. The case against them has been very ably summarized by the Marquis of Zetland in Volume I, Part II, pages 338-41 of the Report, and I cannot improve on him The unanswerable case he has made out has received the support of eminent Conservatives. The statement in paragraph 120 of the Report, namely—"there is almost all the communities (not excepting the Hindu) a very considerable degree of acquiescence in the Award" is quite incorrect.

Babu AMULYADHAN RAY: Why incorrect! It is correct.

Mr. S. M. BOSE: My friend may cry hoarse but he will not be able to alter my opinion. Hindus have from the first protested strongly and the recent sweeping success in the Bengal elections to the Assembly shows conclusively the deep feelings of the Hindus of Bengal of all classes. If the Award is bad, what can I say of the Poona Pact which has done such grave injustice to the whole of the Hindu community of Bengal? The wrong done is now admitted in the report. As was stated in the Chairman's draft (Volume I, Part II, page 60)—"We say frankly that we do not care greatly for it, and still less for the method which brought it into existence." The case that the Pact was made by the accredited leaders of the Hindu community has now, it seems, been given up. It was Government which was coerced by Mr. Gandhi, and was stampeded into panicky action. It is indeed an irony of fact that Mr. Gandhi and the Government co-operated to crush the Hindus of Bengal: (Hear, hear.)

Then, Sir, I want to say a few words about the absence of recommendation for Cabinet responsibility, and that is another result of the extension of the communal poison. For the growth of a party system, it is necessary that the Cabinet should act as a whole. But Ministers are to be chosen on communal lines. This will hamper the growth of the constitution. As pointed out in the Chairman's draft, such a system is a denial of parliamentary Government, it means government by groups, involving change and instability. The position of a Minister

will be insecure. As to Minister's salary, it is said, it will be non-voted, but I submit that the legislature should have the power to fix it at the beginning, and to alter it for purposes of retrenchment.

Mr. PRESIDENT: Mr. Bose, if you intend to speak further, you might speak to-morrow. The time for adjournment has been reached.

Adjournment.

The Council was adjourned till 2 p.m. on Wednesday, the 19th December, 1934, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 19th December, 1934, at 2 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 106 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Burge murder case.

***18. Mr. NARENDRA KUMAR BASU:** (*a*) Has the attention of the Hon'ble Member in charge of the Police Department been drawn to the following observation of the Special Tribunal in the Burge murder case: "Improper pressure was brought to bear on this accused (Kamakshya Charan Ghose) to make him confess"?

(*b*) Is the Hon'ble Member aware that the "improper pressure" referred to was incessant caning on the bare buttocks of the man by one Mr. Jones, an Assistant Superintendent of Police, while Kamakshya was held down on a table by his hands and feet by two men and the caning was only interrupted by the fainting of the man and was resumed when he regained consciousness?

(*c*) Is the Hon'ble Member further aware that the finding of the Special Tribunal was upheld by a Bench of three British Judges of the High Court who stated in their judgment, "the treatment which Kamakshya received was in the highest degree reprehensible"?

(*d*) Have the Government taken any steps in the matter for the punishment of Mr. Jones as well as for preventing a recurrence of similar outrages by police officers, British or Indian? If so, what?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Yes.

(*b*), (*c*) and (*d*) Kamakshya Charan Ghose made a statement to the Tribunal making the allegations given in (*b*) of the question. But the High Court held that the medical evidence clearly showed that this statement was a gross exaggeration though it indicated that the man was in fact caned some two or three days before his actual arrest. Neither Court have recorded any finding as to the individuals who were guilty of the reprehensible conduct referred to. No question was put either to Mr. Jones, the Circle Inspector or the Superintendent of Police in respect to this incident when they were examined and cross-examined as witnesses before the Special Tribunal. The matter is one for investigation and this is being made. From the information so far available it would seem that the incident was an isolated one which occurred during the period of police investigation into the circumstances of a peculiarly atrocious murder and within a few days of the perpetration of that murder.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he is in a position to say that this is the only instance where an allegation of torture against the police has been made by an under-trial prisoner?

The Hon'ble Mr. R. N. REID: I think for the last 20 or 30 years any number of such allegations against the police have been made.

Officers of the Forest services.

***19. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Agriculture (Forests) Department be pleased to lay on the table a statement showing—

(*i*) how many officers of the following branches of the Forest Department will attain or have attained the age of 55 years by the 31st March, 1935, and are still in service:—

(1) Provincial Forest Service,

(2) Subordinate Forest Service,

(3) Ministerial Forest Service;

(*ii*) whether any extension has been granted to any one of them?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, why has this been done in violation of recent orders of Government in case of those who have more then 30 years' service and attained 55 years' age?

(c) If any extension has been granted to any of them who have attained 55 years' age and rendered more than 30 years' service, will the Hon'ble Member be pleased to state whether he has been medically examined for fitness for further service? If not, why not?

MEMBER in charge of AGRICULTURE (FORESTS) DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) (i) and (ii) A statement is laid on the table.

(b) No Government order has been violated.

(c) Medical examination is not prescribed in cases of extension of service and is not necessary in view of the fact that extensions are allowed only in cases where the officer has proved his continued efficiency and physical fitness.

Statement referred to in the reply to starred question No. 19 (a) (i) and (ii).

	Number of officers reaching the age of 55 by 31st March, 1935.	Date of reaching the age of 55	Length of extension
(1) Provincial Forest Service ..	..	...	. .
(2) Subordinate Forest Service ..	1	20th June, 1934	1 year.
(3) Ministerial Forest Service ..	2	14th September, 1934 ..	Till expiry of leave (12th February, 1935).
		15th January, 1935 .	1 year.

Bengalee constables.

*20. **Mr. S. M. BOSE:** Will the Hon'ble Member in charge of the Police Department be pleased to state—

(i) the present total number of Bengalee constables in—

(1) the Bengal Police, and

(2) the Calcutta Police;

(ii) the number of Bengalees recruited as constables during each of the last five years ending 31st March, 1934, in—

(1) the Bengal Police, and

(2) the Calcutta Police; and

(iii) the rate of pay, bonus and allowances now drawn by constables in Calcutta and outside?

The Hon'ble Mr. R. N. REID: A statement is laid on the table.

Statement referred to in the reply to starred question No. 20.

I.		II.				III.
Present total number of Bengalee constables.		Bengalees recruited as constables.				Rate of pay, bonus and allowances now drawn by constables in Calcutta and outside.
		Bengal Police.		Calcutta Police.		
Bengal Police.	Calcutta Police.	Year.*	Number.	Year.†	Number.	
6,695 on 15th May, 1933. Up to date figures are not readily available.	258, including recruits under training.	1929 1930 1931 1932 1933	457 552 511 574 555	1930 1931 1932 1933 1934	40 25 29 44 51	*Pay.*—Pay from Rs. 25 to Rs. 29 a month in the Calcutta Police and from Rs. 20 to Rs. 24 a month in the Bengal Police, rising by increments of Re. 1 after 3, 7, 10 and 17 years' approved service. *Bonus.*—No bonus is given to constables. *Allowances.*—No allowance is sanctioned in general for constables, but those employed in specialized services and particular localities get the following allowances:— *Calcutta Police.* 1. Traffic Police, Armed Police and Detective Department, Rs. 3 per month. 2. Special Branch, Rs. 4 per month. 3. Cossipore gun foundry guards and nursing orderly constables, Rs. 2 per month. 4. Winter allowance for four months to Government House Guards, Rs. 2 per month. *Bengal Police.* 1. C. I. D., I. B., Town Police, Traffic Police, Armed Police, and those engaged in motor driving and bugling, Rs. 2 to Rs. 10 per month according to nature of duty. 2. In Darjeeling district and in the cities of Calcutta, Howrah, Alipore, Dacca and Chittagong, Rs. 1 per month. 3. Duars allowance, quarter of the pay of the constable posted there.

* Calendar year for Bengal Police.
† Year ending 31st March for Calcutta Police.

Home internee Sushil Kumar Acharjya.

***21. Maulvi HASSAN ALI:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that Babu Sushil Kumar Acharjya, son of Babu Ram Chandra Acharjya of Mahisbathan, police-station Itahar, district Dinajpur, has been interned at home on the 9th June, 1934;

(*ii*) that he had been an I.A. student at Rangpur but he gave up his studies;

(*iii*) that he was preparing himself to sit for the examination as a private candidate;

(*iv*) that the detenu had to meet the educational expenses by means of private tuition; and

(*v*) that the detenu is married and has to maintain his wife also?

(*b*) Is it a fact that the detenu has applied to the Government for an allowance?

(*c*) If the answer to (*b*) is in the affirmative, what steps have Government taken on the application?

(*d*) If no steps have yet been taken, what are the reasons?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*) Yes.

(*ii*) He was an I.A. student of the Rangpur College, but Government have no information about his giving up his studies.

(*iii*) and (*iv*) Government have no information.

(*v*) The detenu and his wife are reported to be dependent on the detenu's father.

(*b*) No.

(*c*) and (*d*) Do not arise.

Education survey.

***22. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government propose to reduce the number of high English schools in the province?

(*b*) If the answer to (*a*) is in the affirmative, what is the object in view in making the reduction?

(*c*) What principle do the Government intend to follow in effecting the reduction?

(*d*) What action, if any, have the Government already taken in the matter?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) to (*d*) The Department is undertaking an educational survey of the province and has already issued a questionnaire to Inspectors as a preliminary to this. The object of the survey is to ascertain whether it is desirable to amalgamate, reduce, redistribute or increase the number of existing high schools in order that the utmost benefit may be obtained from available resources.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether Government propose to act upon the report of the Inspector alone or also to consult the public on this matter?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: No, Sir, a report has been asked for from the Inspector who is now engaged in a statistical survey. What the Government propose to do would depend upon the information available.

BABU SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state whether any educational survey has been started?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The answer already shows that it has been started.

Maulvi SYED MAJID BAKSH: What would be the nature of the benefit that may be obtained?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I think the hon'ble member knows English perfectly well to understand it.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state the number of high schools in the province?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That question does not arise in answer to this.

Recovery of settlement costs.

*23. **Babu PREMHARI BARMA:** (a) Will the Hon'ble Member in-charge of the Revenue Department be pleased to state—

(i) whether there has been a change in recent years in regard to the system of collection, from landlords and tenants, of moneys spent by Government for survey and settlement operations in the different districts of Bengal;

(ii) whether it is a fact that the Government used to bear one-fourth of the total expenditure in any district and only three-fourths used to be collected from the landlords and tenants;

(iii) whether it is a fact that it was only from the time that realizations for such expenditure in the district of Malda were made, the policy was changed and the entire cost was thrown upon the landlords and tenants; and

(*iv*) whether it is a fact that hereafter all moneys advanced by Government for survey and settlement work in any district will be recovered from landlords and tenants with an interest of 7½ per cent. or so with effect from the time of their outgoings from any district treasury?

(*b*) Is the Hon'ble Member aware—

(*i*) of the gradual increase of expenditure in respect of salaries of officers and servants of the survey and settlement department;

(*ii*) that there has already been an unequal recovery of moneys from landlords and tenants of the different districts; and

(*iii*) that the amount of recovery to be done from the people of the Dinajpur district will be the heaviest in this time of general economic depression?

(*c*) If the answers to (*a*) are in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) whether the decision was arrived at with his full knowledge and after due consideration of all the circumstances mentioned in (*b*); or

(*ii*) whether the new system was introduced and settled by some officer of the department in his charge?

(*d*) Are the Government proposing reconsidering the entire position regarding the realisation of settlement expenses in the light of the present circumstances?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) Yes.

(*ii*) Yes.

(*iii*) By orders of Government, passed in September 1933, 80 per cent. of the cost is recovered from landlords and tenants instead of 75 per cent.

(*iv*) Simple interest at 6 per cent. on advances made by Government is included in calculating the cost of the operations.

(*b*) (*i*) The increase of expenditure in respect of salaries of officers and servants is general and not confined to the Survey and Settlement Department. The 5 per cent. cut on salaries is still being continued and new scales of pay for future entrants have been introduced.

(*ii*) Yes.

(*iii*) This has not yet reached the stage of calculation of cost.

(*c*) (*i*) Does not arise.

(*ii*) The system was introduced as a result of the recommendations of the Bengal Retrenchment Committee, 1932.

(*d*) No.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Search of girls' hostels in Calcutta.

12. Maulvi ABUL KASEM: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that some hostels attached to colleges in Calcutta for girl students were recently searched by the police in connection with criminal outrages?

(*b*) If the answer to (*a*) is in the affirmative,—

(*i*) was anything incriminating the girls or of an incriminating nature discovered;

(*ii*) what was found besides wearing apparels and ordinary books; and

(*iii*) was anything discovered which ought not to have been in the possession of the girls?

The Hon'ble Mr. R. N. REID: (*a*) Yes.

(*b*) (*i*), (*ii*) and (*iii*) Nothing incriminating or which ought not to have been in the possession of girls was seized during these searches.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state if nothing incriminating was found, why was investigation at all necessary?

The Hon'ble Mr. R. N. REID: In order to see whether anything incriminating could be found.

Cossimbazar Wards Estate.

13. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) for what amount of arrear of cess the Cossimbazar Raj Ward Estate was brought under the operation of section 99 of the Bengal Cess Act; and

(*ii*) how much of the arrear cess has been realised up till now?

(*b*) Is it a fact that complaints against some tahsildars were brought to the notice of the authorities from time to time?

(*c*) If the answer to (*b*) is in the affirmative, what action, if any, was taken on the said complaints?

(*d*) Will the Hon'ble Member be pleased to state whether any complaint involving serious allegations against the tahsildar of Chilmari tahsil cutchery was brought to the notice of the authorities?

(*e*) If the answer to (*d*) is in the affirmative, what action, if any, has been taken in that complaint?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Rs. 97,020-4.

(*ii*) The whole.

(*b*) and (*d*) Yes.

(*c*) and (*e*) Enquiry was made by the Collector of Rangpur who has reported that the complaints were without foundation.

Kazi EMDADUL HOQUE: Was the calculation made in excess of the demand?

The Hon'ble Sir BROJENDRA LAL MITTER: No.

Kazi EMDADUL HOQUE: With reference to (*c*) and (*g*), when did the Collector of Rangpur make an inquiry and in whose presence?

The Hon'ble Sir BROJENDRA LAL MITTER: I have no information. All I know is that an inquiry was made.

Kazi EMDADUL HOQUE: Did the Collector himself make the inquiry?

The Hon'ble Sir BROJENDRA LAL MITTER: Yes, he did.

NON-OFFICIAL BUSINESS.

Special Motion under section 78A.

Mr. S. M. Bose resumed his speech in support of the special motion which he had moved the previous day.

Mr. S. M. BOSE: Sir, communal poison has been injected here also. Appointments are to be made not on the score of efficiency but on communal lines. Even the subordinate judiciary will be appointed on communal lines. Here I refer to paragraph 339 of the Joint Committee Report. It is stated there:—"Candidates should be selected for appointment by the Public Service Commission in consultation with the High Court, subject to any general regulations made by the Provincial Government as to the observance of communal proportions." Regarding the appointment of District Judges from the Bar, it is stated in

paragraph 340 that—"A recommendation for direct appointment from the Bar should be made from among persons nominated by the High Court, subject to any general regulations in force regarding communal proportions." That is a new and unheard-of departure in black and white. This will mean that more persons will have to be appointed to do the given quantity of work, and where the resources of Government are limited, as they are in Bengal, a recommendation like this, if given effect to, will mean a loss of revenue to Government. Sir, the system proposed of safeguarding the Services means the creation of an *imperium in imperio.*

I must say a few words about the Joint Committee's proposals regarding the High Court. The Simon Commission recommended that all High Courts should be under the administrative control of the Centre. It is a great misfortune that the Joint Committee have recommended otherwise. Their reason is stated in paragraph 333 and is to the effect that their object is to secure an administrative connection with the subordinate judiciary, which cannot be maintained without mistrust and suspicion if this Court were an outside body, being then regarded as an appanage of the Federal Government. This argument is without foundation as regards Bengal, where the system recommended by the Simon Commission has always been in force, and it is a travesty of fact to say that here the High Court is regarded as an outside body and appanage to the Centre. Every care should be taken to uphold the dignity and the independence of the Bench. Probably neither the Governor nor the Minister will actually exert any pressure on them, but the mere idea that they can do so is harmful. It will be difficult for the Governor to resist the pressure from the Minister when advising on the Budget. Then, Sir, the proposal to remove the bar preventing civilians from becoming Chief Justice is thoroughly unsound. In 1929, a similar attempt was made by Lord Peel, the then Conservative Secretary of State for India, in his High Court Bill, but owing to a strong opposition, the idea was dropped. May I ask what has happened these five years to embolden Government to bring forward such a reactionary proposal? I would not only debar civilians from becoming Chief Justice, but I would go further, and say that no civilian ought to be appointed as a High Court Judge. They have no legal training and the argument advanced in the Select Committee Report that they know far more than the Indian advocates of Indian life and conditions is ludicrous. I would therefore suggest that no civilian should be appointed to the Bench and further, that recruitment to the Bench should always be made direct from the Bar.

I have not the time to refer to many other interesting matters, but what I have said will suffice to show that the Report is merely an elaboration of the White Paper, with modifications against India, made with a view to win the support of a section of Conservative Die Hards, rather than to placate Indian national sentiment. It is indeed a matter

of regret that the recommendations of the Simon Commission regarding the provinces have not been accepted. The former cry was: "Go back, Simon," now the cry is: "Go back to Simon." Finally, unless the scheme is radically altered and improved as to transfer real control over their own affairs to the Indian people, it will fail to satisfy them and will inevitably aggravate discontent and unrest.

With these words I beg to commend my resolution to the acceptance of the House.

Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, in this very hall about a year ago we discussed the constitutional proposals of His Majesty's Government. On that occasion we all deplored the fact that the White Paper Scheme fell far short of the political aspirations of the Indian people. It was our expectation that the constitutional proposals of His Majesty's Government would be so reshaped as to meet our aspirations for Dominion Status. It was an expectation that had been aroused by British pledges from time to time and encouraged by the political experience of other Dominions of the British Commonwealth of Nations. The Linlithgow report has, as a matter of fact, confirmed the White Paper proposals in all essentials; and frankly states that it is not based on the ideal of Dominion Status which Lord Irwin declared to be our goal on the authority of the then Government in power. It thus becomes painfully clear that all we can aim at under the new dispensation is "some evolutionary changes" towards the ultimate goal of responsible government and that "time has come for Parliament to share its power with the Indian people."

There are important particulars in which the Joint Select Committee deviates from the recommendations contained in the White Paper and to my mind the most serious of them appears to be the introduction of indirect election for representation to the Central Legislature. The importance lies in the fact that the system of indirect election is calculated to make the Lower Chamber of the Central Legislature less responsive to public opinion. I do not see how the following serious objections to the method of indirect election can be removed—the danger of provincial separatism endangering the unity of India, the confusion of provincial and all-India issues at times of election and inevitable corruption which must follow the election of members by provincial electors averaging not more than 7 or 8 in number for each.

The Joint Select Committee approves of provincial autonomy but the whole scheme is vitiated, so far as we in Bengal are concerned, by the Communal Award and the Poona Pact. It is useless to discuss the principles underlying these documents which have been subjected to much criticism in this very Hall for many a time. We note that a commendable attempt was made by the Marquess of Zetland and others to modify the Award and introduce much more common sense into the

system. But that was not to be. The result of the present scheme will be that the Hindus of Bengal who played a very important part in the political history of the country will be relegated to a position of minority which will create anomalies making smooth functioning of the political system impossible.

We, however, note with satisfaction that the Joint Select Committee have endorsed the recommendations of the White Paper for a Second Chamber of Bengal, but we regret that the Committee did not think it expedient to improve the composition of the Second Chamber. The principle involved in the institution of a Second Chamber is that it is made to crystalise the views of a body of men of capacity and experience and of those who have considerable stake in the country. The Provincial Upper Chamber recommended by the Joint Select Committee is also to be a mere duplication of the Lower House, working out the usual proportions between the different communities.

However, we view with satisfaction that His Majesty's Government cannot disclaim all responsibility so far as the Permanent Settlement is concerned. The Joint Select Committee do not propose to place it beyond the legal competence of the provincial legislature. But what they do recommend is that "the Governor should be instructed to reserve for the signification of His Majesty's pleasure any Bill passed by the Legislature which would alter the character of the Permanent Settlement." We, the *zemindars* of Bengal, welcome this salutary recommendation of the Joint Select Committee. But what I would like to emphasise is that the necessary provision in the Instrument of Instructions of the Governor should be made more precise and definite, so as to prevent legislation intended to change the character of the Permanent Settlement indirectly as well. Then again in the matter of representation to the Provincial as well as the Federal Legislatures, the Joint Parliamentary Committee has failed to do even-handed justice to the landholding community of Bengal. While the representatives of other special interests have been granted extended representation, I cannot understand what circumstances led the Committee to lower their representation proportionately in the Legislatures of increased membership.

Sir, the constitutional picture outlined in the Joint Select Committee Report is undoubtedly a very complicated one and the situation has become further aggravated by the fact that no political party in India has been welcoming it wholeheartedly. It is therefore our earnest appeal to His Majesty's Government that they should devote their most careful attention towards making the proposed constitution more in conformity with Indian aspiration. At the same time we should also on our part make our contributions so as to make the constitution more liberal and make it serve the true interests of India.

Khan Bahadur MUHAMMAD ABDUL MOMIN: It is neither necessary nor any use on this occasion to go over the entire scheme for a reformed constitution as outlined in the White Paper and now endorsed by the Joint Parliamentary Committee. I only propose to deal with some of the principal modifications suggested by the Joint Parliamentary Committee, and to indicate the attitude which we propose to take with regard to this report.

The White Paper was discussed threadbare in the Press and from the platform and by all the legislative bodies in India and some of us hoped that at least those proposals of the White Paper which were not acceptable to any party in India and about which public opinion was unanimous would be removed or modified. It is a great disappointment to us all to find that the Joint Parliamentary Committee has totally failed to respond to Indian public opinion and have further tightened the restriction placed on the powers and responsibilities of the Legislature and the people.

Popular opinion was almost unanimous against the establishment of a Second Chamber in the province and even wanted the abolition of the Council of State. A resolution to this effect was passed in this House even before the White Paper was published. But the Joint Parliamentary Committee has gone further and not only recommended a Second Chamber for the other provinces for whom the White Paper had not suggested them, but has given them a perpetual lease of life—a proposal which militates against all democratic principles.

It has been a relief to the Moslems and the scheduled castes that separate electorate has been retained and the Communal Award not interfered with, but the Moslems are aggrieved at the inadequate representation proposed for them in the Federal Assembly. They are to get 33 per cent. (it works out at 32·8) of the British Indian representation, *i.e.*, 82 out of 250. Of the States' quota of 125, Moslems cannot be expected to have more than 18. Therefore in a total House of 375 the Moslems will number only 100, which is a little over 25 per cent.

The retention of an All-India Civil Service and an All-India Police Service is inconsistent with the principles of provincial autonomy and will considerably lower the powers, prestige and responsibilities of the Minister. The White Paper suggested that the question of recruitment to these services might be reviewed after 5 years, the Joint Committee while expressing that the 5 years' period was suitable leaves the date to the option and discretion of the Government of the time without mentioning it specifically in the Constitution Act. The Joint Committee has given great latitude to the Governor in the matter of the appointment of Ministers and Mr. S. M. Bose in his speech demurred to this. I am less afraid of the Governor misusing the powers than the

Ministers or expectant Ministers losing their independence. At the same time if the Governor has to go only by the largest or the so-called largest following, it will not only lead to intrigues but to the total neglect of the minorities.

We all agree that the financial proposals in the Report, particularly in the case of Bengal, are very unsatisfactory. It is not fair to hand over a legacy of debts and an empty treasury to the Reformed Government, and then to expect it to function properly, and when it fails, to characterise the administration as incompetent and inefficient.

We cannot, however, agree with Mr. Bose in his criticisms and objections to the formation of the North-Western Frontier Province, Sind and Orissa into separate provinces. The people of those provinces wanted separation, and it would have been unfair to refuse their request.

The most unsatisfactory feature of the Joint Committee's Report is the further stiffening of the so-called safeguards and increasing the special powers of the Governor which have been done probably to appease the Die Hards and the Churchillian group of politicians at Home. We appreciate the transference of "Law and Order" to the Minister which has been proposed by the Joint Committee. As a matter of fact, this is the only gift from the Committee which we have got. But the gift has been qualified with so many restrictions that it practically amounts to giving with the one had and taking away from by the other. The inclusion of the Police Acts and Police Rules among the special powers of the Governor is an unjustifiable distrust of the Minister and will weaken his authority and responsibility and lower his prestige. The Joint Parliamentary Committee Report requires the prior consent of the Governor before any Police Act or Rules are amended, repealed or enacted. But the Governor has already a right of veto in the case of any Bill or clause which according to him is likely to affect his special responsibility for the prevention of any grave menace to peace and tranquillity. Under the White Paper proposal 94 it is hardly necessary to make more stringent provisions. The withholding of the records of the Police Intelligence Department from the Minister places the Inspector-General of Police in a position of greater trust than the Minister—a most unmerited slur on the Indian Minister.

I am not one of those who consider that the safeguards and special powers of the Governor make the Reforms a sham. However objectionable they may appear on the paper, in the special circumstances of India, some special safeguards are necessary. It is good government and not merely self-government we need. When serious communal difference exists and on occasions when political passions rule high, when minorities are apt to be tyrannised by the majority, some external control is necessary. Our achievements in the sphere of local self-

government in the past has not been such as to entitle us to claim absolute freedom unfettered by any safeguard in the future administration of the country at least for some time to come.

Personally, I am not afraid of "safeguards." However formidable they may appear on paper, in actual working they will prove no great obstacles to real self-government if all the parties concerned work with a good will and in the right spirit. There is no reason to suppose that they will not.

I wholly dissociate myself from those who think or pretend to think that the proposed constitution is no advance on the existing condition of things. I deprecate the advice of the Congress to either reject the proposed constitution or leave it severely alone. Such advice is suicidal. No Indian can say that he is satisfied with the proposed constitution. But at the same time it cannot be denied that it is a great advance on the present form of government and has in it the seeds of real self-government. My advice is to accept what we have got and agitate for more, and though the Indian Legislature has no power to alter or modify the constitution by its own act, it has power to press resolutions for the consideration of Parliament suggesting modifications in the constitution. Therefore, if we find in the actual working of the Reforms that any restriction imposed on it is an obstacle to good government, we can agitate and fight for its repeal. I believe the Mussalmans of Bengal almost to a man are of the same opinion and are willing to work the reformed constitution when it comes and they desire that it should come, the sooner the better for all concerned.

Lord Ampthill is reported in the paper to have said that Mussalmans accept the reforms because it gives them a majority in the Punjab and in Bengal and this is what our opponents also say. I also strongly repudiate this suggestion. I may remind such critics that if the Mussalmans are in a majority in the Punjab and Bengal the non-Muslims are in a majority in the other five provinces.

We accept the Reforms and are willing to work it because, as I have already said, we consider it to contain a real element of advance on the existing form of government and fertile seeds for further advance in future. We accept the Reforms because although we have not been granted a majority in Bengal which we rightly claim, we will have a relief from the inequities of the Lucknow Pact under which we were groaning and lastly because the existing impasse in the political situation has become irksome and intolerable, and the Reforms with all its shortcomings will be a welcome change. The sooner it comes, the better. I am confident, Sir, that with a properly balanced Council, a right type of Ministers who will depend more on their abilities to continue in office than on intrigue and distribution of patronage and a Governor sympathetic to Indian aspirations, the Reformed Constitution will succeed.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: It is anything but pleasant for me to say that the Report of the Select Committee has failed to satisfy any party. It has really created disappointment in several quarters.

Sir, within the time allotted it is difficult to say all that I feel about the Report. So I mean to confine myself on this occasion to a few of the salient points on which I have felt the most. While I am not one of those who would decry the recommendations as not marking any advance, I must say that they contain many features which require modification to make them acceptable. Political power and control, bereft of political responsibility, as outlined in the Report, would be something unthinkable in a scheme of political advance. On the other hand, if responsibility would be given for law and order that would beget a sense of duty and sobriety of political views. Again, political autonomy for the present, without Central responsibility, fixing no definite date by which that responsibility would come, amounts almost to a negation of what is really intended to be conferred, as it is the Central responsibility that matters most in the fulfilment of that scheme. Then not to indicate even by implication as to what would be the ultimate goal of the present Constitutional Reform is galling to the growing popular political consciousness, engendered by widespread English education in our schools and colleges, free contact with the West, unfettered diffusion of novel Western political dogmas in the East, rapid political advance of some of the independent Eastern countries, the valuable educative work done by the League of Nations, and the like. Again, the proposal that the Ministers will not have anything to do with the appointment, promotion, suspension and dismissal of the members of the All-India Services, such as the I.C.S., the I.P.S., the I.M.S., and the like, reserving those powers to the Secretary of State for India, along with the proposal that with respect to the members of the provincial services, the Public Services Commission, to be established in every province will be in charge of their promotion, transfer and suspension, is calculated to prove a great handicap to self-respecting Ministers, rendering them overnervous about their subordinates. At least, the Minister should have full power for suspension and promotion of his subordinates. The provision that the Secretary of a department in the provinces will be able to approach the Governor over the head of the Minister in charge, is an obnoxious feature which will rouse great resentment. There is no harm in his approaching the Governor but let him by all means proceed through the proper channel and with the full knowledge and consent of the Minister in charge of the department. While I agree to the proposition that the Governor should possess some "special responsibilities," as such powers are essential in every constitution, I am sure that those powers would not be invoked to stop any popular legislation or measure

which will be in any way prejudicial to his Executive. Otherwise those "responsibilities" will become the source of great bitterness and discussion leading to breakdowns now and then.

Sir, I cannot but mention with deep pain and regret that the decision of the Prime Minister on the communal representation, now popularly known as the Communal Award, has been approved by the Joint Parliamentary Committee. It is really strange that while they have admitted that its superstructure, the Poona Pact, was concluded under "the undue pressure of Mr. Gandhi's fast," that objection to that pact in relation to Bengal has since been strongly urged by caste Hindus from that province, and that of the two evils Mr. Ramsay Macdonald's Award was the lesser, constituting "a wide equitable settlement of the general questions," yet they have not hesitated to accept the pact dividing the Hindu minority in Bengal not only vertically but horizontally also. Again, Sir, it is doubly strange that the League of Nations' solution for the protection of minorities in the European countries, which has become a part of the public international policy since 1929, did not find favour with the members of the Committee for the settlement of the self-same problem in this country. But there is no denying the fact that the existence of the Award, foreshadowing innumerable divisions, differences and determinations, will only serve as a permanent wedge in the path of national unity and perpetuate our bondage by keeping us ever inefficient politically, industrially and economically, as the authors of the Report have themselves held any system of communal electorates "as a very serious hindrance to the development of the self-governing institutions."

Next, Sir, while I approve of the recommendation for the establishment of a Second Chamber in all the politically advanced provinces, inasmuch as the utility and importance of the Second Chamber lies in the fact that it restrains "the impetuosity and fickleness of the popular House and so guards against the effects of gusts of passion or sudden changes of opinion in the people." But I cannot see eye to eye with the Committee regarding indirect election. Indirect election, to my mind, will go to conserve power in small groups or coteries, prevent community of feelings and interests in bigger political spheres, and weaken the Centre by rendering it more and more subordinate to the province. There is, Sir, another very retrograde recommendation to which I cannot but take exception. That is the proposal to make the Judiciary virtually subservient to the Executive evidently in pursuance of the desire that "it is necessary to make the Executives strong in the provinces."

Sir, what I next feel is that if there had been a distinct enunciation of the fundamental rights by the Committee—the lack of which has kept a great loophole in the framing of the scheme—any encroachment on the cardinal principles of the Permanent Settlement should be

reserved by the Governor for His Majesty's pleasure. But I cannot help remarking here that the proposal for the imposition of a tax on agricultural income tantamounts to a thin wedge against the Permanent Settlement and will have great reaction on the people engaged in agricultural operations.

Before I conclude, Sir, I must give pointed expression to the feeling that is uppermost in my mind, namely, the inadequate representation of the landlords in the future Legislatures. In the course of the proposals for the recasting of the present constitution, the recommendation of the Government of Bengal was for the allotment of a proportionate number of seats to the landholders in the enlarged Legislatures as set forth in the following passage of their Despatch, which was confirmed by the Government of India also in their Despatch:—

"Such questions as tenancy and land revenue may be expected to occupy more prominently the attention of Provincial Legislatures in the near future and in the controversies likely to arise, the landlords can reasonably claim that they should not be deprived of their special representation at a time when the extension of the franchise may increase the difficulty of their securing representation on the general register."

Sir, by position, influence and education they are fitted to take a leading part in public affairs. In fact, I can conceive of no strong reason why the claims and interests of the hereditary and landed classes have been so egregiously overlooked by the members of the Committee. But, Sir, I take shelter behind the thought contained in the following lines:—

"Yet I doubt not thro' the ages one increasing purpose runs,
And the thoughts of men are widen'd with the process of the Suns."

I endorse every word that has fallen from Khan Bahadur Momin but I beg to say a few words on his first point, namely, that the retention of the Communal Award has been blessed by the Muhammadans and the depressed classes. I do not wish to enter into controversy with him on this point, but I would ask him to look at the question from the national point of view and see whether the decision will be to the interests of Bengal as a whole. There may be temporary gain, but in the long run it will not be a profitable business. History has given proofs of the fact that even among apparently conflicting different communities, complete unity is and can be effected as soon as communities begin to feel that they are at liberty to do whatever they like with themselves, and that their lot is cast in one boat. In fact, enjoying the gift of responsible government, the French and the British, despite all historical quarrels and differences of religious beliefs,

language and social structure, have fused themselves with the natives of Canada. There has been provided a constitution based on common electorate, reducing the hostility of different communities to a faint echo of past history. In the U.S.A., there were nineteen conflicting races, but a common constitution and a common electorate organised themselves into a harmonious whole. In South Africa the hostility between the Boers and the British is well known, but a joint electorate is working well in the South African Constitution. In New Zealand the Maoris are in conflict with the Whites, but separate electorate has not been conceived there. Thus the verdict of history is against the wisdom of separate electorates which serve only to destroy cordial feelings among the communities. India is, notwithstanding her castes, certainly a more real nation and it is incomprehensible why the teaching of history and experience of community-ridden constituencies have not been applied to this country.

Mr. W. H. THOMPSON: Mr. President, Sir, such a debate as this, as a debate, is bound to be disappointing, for in the nature of it it is not a discussion. We are not out to persuade one another to any particular point of view. Each of us has come here to register the opinion of his group on this Report, not paying much attention to what others may say. But there is one feature of this Report which cannot fail to have commended itself to all its readers. It gives an impression of unhurried consideration of all points of view on each separate issue. If the Montagu-Chelmsford Reforms were put through the British Parliament without sufficient examination, it is not to happen again. One feels that this Report represents, as in fact it is, the result of 7 years' work by the best brains in England and in India, and it is plain that every suggestion that has ever been put forward by anybody has received full consideration. Not only does this disarm criticism of the conclusions as a whole, but one feels that the very criticisms that one was about to make have already been patiently heard, and duly weighed in the balance. The Report commands acceptance by knocking our weapon of assault out of our hands. The scheme devolves very great responsibilities upon the Governor and it is not certain that we shall always have a superman available. Who, Sir, would choose 5 years' transportation as the Governor of Orissa? It is likely and even probable that the necessity for the use of all the reserved powers in the hands of Governors may never arise. The necessity that they should be there has been proved by experience of the world in the last ten years, in which more than half Europe and the United States have had to turn to dictatorship as the only available expedient when the embankments are broken and floods are out. The existence of these emergency powers is the best insurance that we can have that they will not have to be used.

Speaking for this group we accept the Report in its general conclusions, and I would only put in a plea for our finances in Bengal. We have always said that one of the pre-requisites of provincial autonomy was that each province should start from the word "go" with a balanced budget, and with a sufficient reserve of taxable capacity to give scope for activities which, here in Bengal, have been too long delayed.

When I spoke in this House on the subject of the financial provisions of the White Paper, I told you, Sir, that they seemed too good to be true, and so it has proved. From the point of view of our pocket the Report is very definitely worse than the White Paper. By the White Paper we were to get immediately 50 to 75 per cent. of the income-tax and the balance gradually, in ten years. By the Report we are not likely to get anything at once and there is no promise for the future. By the White Paper we were to be empowered to take to ourselves a surcharge of 12½ per cent. on the income-tax for our own purposes. We in this group did not favour that surcharge and we are glad that it has been excluded, but we press for compensation for Bengal in some other manner. By the White Paper we were promised immediately half of the jute tax and were given hopes, good hopes, that we should get the balance, hopes which the Select Committee's Report dashes to the ground. Even allowing for half of the jute tax we still have a deficit in our budget of a crore of rupees. We cannot balance our budget unless we get two things at least: unless we get our accumulated debt remitted and the other half of the jute tax. By the suppression of terrorism and the strengthening of public opinion against it we may be able to save some of the expense which terrorism has involved, but the matter is not one in which we can take risks. We must continue to press for these two things: remission of our accumulated debt and the other half of the jute tax, and we must hope that the financial inquiry which will take place at the last possible moment will show that the Centre can give us some of the income-tax. There is only one section in the Report, paragraph 255, which reads like a confession of failure, and it is Bengal's ill-fortune that we are the sufferers.

Before I conclude, Sir, I know it is not my business and you may call me what you like, but I am going to step in where angels fear to tread, I noticed my friend Khan Bahadur Abdul Momin among the angels, and refer to the Poona Pact. In doing so I am not forgetting one word of the Minorities Pact nor the claims of the Muhammadans and other minorities for due representation on a communal basis with separate electorates; nor do I suggest for a moment that they or anyone else should withdraw from our complete acceptance of the Communal Award. It is the Poona Pact which, if it is allowed to stand, will leave an open sore here which will not

easily be healed. It is extremely doubtful whether the depressed classes will reap any very great advantage from their increased number of seats with the peculiar electoral system invented at Poona. And so thought the Joint Committee. May I read the hint which they gave at the end of their paragraph 120 on this subject: They say:—

"and if by agreement between the communities concerned, some reduction were made in the number of seats reserved to the depressed classes in Bengal, possibly with a compensatory increase in the number of their seats in other provinces where a small addition in favour of the depressed classes would not be likely materially to affect the balance of communities in the Legislature, we are disposed to think that the working of the new constitution in Bengal would be facilitated."

I will go further than that, and say that this is a problem for Bengal, to be settled in Bengal, without bringing in any other province, by the representatives of the two communities in this province. It may be true, as Lord Zetland says, that the parties to the Poona Pact were not the accredited representatives of the caste Hindus and had no mandate to effect a settlement, but the elected representatives of the caste Hindus of Bengal are here present in this House, and so are the representatives of the depressed classes, and if we in this group could do anything to bring these two together, and in any way foster a settlement, we should do it very gladly.

Rai Sahib SARAT CHANDRA BAL: The Report of the Joint Select Committee of Parliament on the proposals contained in the White Paper on the Indian Constitutional Reforms is before us for our discussion. The delegates both from Indian States and British India took part in the discussion.

The characteristic feature of the scheme is that it provides us with a constitutional framework based on the two fundamental conceptions of a Federal Government at the Centre and autonomy in the provinces.

The landholders, Europeans, Indian Christians, depressed classes and the Congress leaders have expressed their opinions on it. Each one of them has found some specific defects in the recommendations but the defects vary in each case. The very fact that they have got no common grievances goes to show that the members of the Select Committee made an honest and sincere attempt to satisfy everybody and in their attempt to do so they have failed to satisfy all in all respects.

The Governor General and the provincial Governors have been given special powers to be exercised when thought necessary to discharge their special responsibilities. Under the present reform the Governor General and the provincial Governors have got special powers, but we do not find them to exercise these powers under ordinary circumstances. If we have confidence in them we may hope that these special powers will be exercised under extraordinary circumstances. Those who have in them the picture of Terrorist Raj or Muslim Raj or Swaraj of the Congress and those who approve of a majority rule without any respect for the opinions of the minorities or the depressed classes will no doubt cry at the top of their voice against the special powers of the Governor General and the provincial Governors. The States and the communities that form the subcontinent of India should be given every possible opportunity to realise their political aspirations and for the realisation of the same the special powers are absolutely necessary.

Most of the caste Hindu leaders of Bengal and even Lord Zetland are of opinion that great injustice is done to the caste Hindus by the Poona Agreement. The Poona Agreement was considered as a holy pact to establish unity and fraternity among the different castes of the Hindu community. The sanctity of the pact I think is polluted by some of the caste Hindu leaders and I think under the present circumstances the depressed classes of Bengal may join hands with the caste Hindu leaders, to try to modify the agreement. The All-Bengal Depressed Classes Federation, the only registered and established and well-representative organisation of the scheduled castes, have expressed their opinion to that effect. If the caste Hindus are really serious to have the number of the reserved seats reduced they should approach the leaders of the Federation. I am directly, like many others of this House, in touch with the Federation and I think that the proposal for a reduction of the number of reserved seats may not be an unwelcome proposal provided the caste Hindu leaders recognise the legitimate and equitable demands of the depressed classes and the defects in the Poona Pact are removed. Though it is a very risky step to agree to reopen the Poona Pact, there is no risk to make an honest attempt to see if any agreed solution under normal circumstances is possible.

The Committee has recommended indirect election though in the White Paper there was a proposal for direct election. I think the Committee fully realised the real defects involved in direct election. Who are the present elected members of the Legislative Council, and whom do they represent? They are a class of rich people representing the landlords and commercial people and those who pay Rs. 5 as tax. The franchise being high and the constituencies being very large, only the rich can vote and the rich can stand for election.

The general masses being poor agriculturists, the present elected members do not represent them. We have seen that during the recent Legislative Assembly Election the Congress and the Nationalist party gave an open challenge to the depressed classes, but how is it that the depressed classes of Bengal did not run their own candidates as a protest? It is not that they are opposed to the Poona Pact, but it is because they know that they have got very few voters owing to high property qualifications. If the franchise was low, as was suggested in the proposal, I think it would have been a very difficult job for the Congress to have their nominees elected. Indirect election is the only method by which we can have the true representatives of the country in the Federal Legislative Assembly.

The Committee has not recommended any method for election of the depressed class members to the Federal Legislative Assembly. But the Committee has given a possible suggestion. I think that the suggestion given is the only possible suggestion so long as the Poona Pact stands.

The Committee has recommended a Legislative Council for Bengal. I think that taking into consideration the composition of the Lower House, the Upper House is necessary as a healthy check against hasty legislation. But it is a matter of deep regret that no provision has been made for the representation of the depressed classes in this Council. Considering the numerical strength and their inadequate representation in the Lower House some seats should be reserved for the depressed classes to be elected by the depressed class members of the Lower House, and the method of election to be followed will be the same as in the case of election to the Federal Legislative Assembly.

The Committee has recommended the proposal for the imposition of income-tax on agricultural income. The cultivators are heavily in debt. They are to pay rent at a very high rate. Moreover, they are to pay cess and will have to pay education tax. Under the Bengal Tenancy Act they are to pay rent at an enhanced rate after every fifteenth year. The poor cultivators after paying taxes under so many heads scarcely find anything left for their subsistence. The cultivators now consider their lands to be a burden and they are now losing all charms for their lands, and if they hear that tax on agricultural income may be imposed, they will bid good-bye to their lands and it is easy to foresee what will happen in case the cultivators leave their lands; there will be mass revolution and the result will be disastrous. The proposal, as modified by the Report, will bring unity in the sub-continent of India with responsible government in the provinces. The dyarchy will be no more and we will have Ministers to deal with all provincial matters even with law and order. The scheme outlined is the only possible scheme to be worked

in a spirit of co-operation and good-will by those who are really serious to realise their political aspirations on constitutional lines. With these few words, I support the recommendations of the Joint Select Committee on the proposals contained in the White Paper.

Mr. J. N. GUPTA: Sir, I cannot hope in the course of the few observations which the time at my disposal would permit me to make to-day to attempt to criticise the many shortcomings of the constitution envisaged in the Joint Committee's Report. The columns of the Indian Press, the pronouncements of India publicists of all shades of political thought and the leading political parties of the country have dealt with these subjects in detail and given expression to their opinions in no uncertain language. I fully realize that for any responsible Indian to-day to say that he holds views very different from those expressed with such universal unanimity would be to efface himself altogether from the platform of public opinion in India. I venture to think however that it would be more profitable to discuss what should be our duty, with regard to the proposed Reforms, the political situation in India being what it is to-day, and what lead is this House going to give to the people of Bengal in this matter. There was a time when Bengal gave the lead to the whole of India, but alas those days already seem to be so far distant, and in any case what India's duty is at the present moment and what India should do will soon be discussed by the constitutionally elected representatives of India in the Indian Legislative Assembly. But whether this most vital issue is discussed on the floor of this House or in that of the Central Assembly our deliberations in my humble judgment will be deprived of a great deal of substance and reality if we failed to cast our gaze to the other side of the ocean and to take due note of the state of British political opinion on the Indian question at the present day, for after all it is that opinion which in the condition under which history has placed us will be the arbiters of our fate. As we knew beforehand and as the recent debates in Parliament over the Report have brought out into clearer relief there are three distinct groups of opinion—that of the extreme right, of the Die Hards led by Mr. Churchill and others, of the Left led by the Labour Members, and that of the majority of the Conservatives in the Centre led by Mr. Baldwin who are in a position of responsibility and power at the present moment. The Left would have liked to give us much more than we are getting, at least that is what their amendment indicates. What actually they would have done had they been in power is perhaps another question. The Die Hards were definitely opposed to any scheme of responsibility in the Centre and in favour of the fatal policy of delay and procrastination. In these circumstances the Centre had to decide what steps they could

take to meet the challenge of some of their followers who were daily gaining in strength and organising all the forces of reaction and vested interests on their side. The Centre felt that either they had to cut away the ground altogether from the specious arguments of the Conservative minority and still more stiffen the provisions of the constitution to allay all apprehensions, reasonable or otherwise, or take the risk of a total rejection of the scheme and the throwing back of the Indian problem into the melting pot again. They chose the course in which according to them safety lay. It is the united opinion of India that under no circumstances were the members of the Committee justified in ignoring even the minimum demands presented by the sanest and most moderate of Indian publicists at the call of political expediency, although we are free to admit that their action has helped them to gain their objective and the Die Hards have been put out of action altogether. I am aware that the opinion is very largely and influentially favoured in India that the cause of Indian political emancipation would be better served, if the Bill if framed on the scheme as it now stands, is thrown out altogether and we halt where we stand to-day, till political conditions in England are more favourable to our legitimate aspirations. There are others on the other hand of great political sagacity and wisdom, like the political Gemini, Jayakar and Sapru, undoubtedly the safest guides in the political firmament of India to-day who are opposed to the giving up of the constitutional struggle at any stage, and who refuse to believe that the Bill can possibly have the imprimatur of finality, and the destiny of India being in our own hands, with courage and perseverance and the exercise of far-sighted political wisdom there is no power which can prevent us long from achieving ultimate victory. That, however, is looking into the future. What is our duty to-day? Is the new India Bill already a settled fact and are the discussions in Parliament of the clauses of the Bill going to be only a matter of form? We venture to think that it is not so, and that it will be unwise for us to give up the struggle at the present stage, and India must make another supreme effort to place our case before Parliament; and in any such all-India effort Bengal must play her part worthily. It is sincerely to be hoped that Sir Austen Chamberlain and those whose political opinion he guides, for he is the virtual leader, at any rate the most powerful personality amongst the Conservatives, will not, when the Bill comes up for discussion, forget what he has just now said that "it is not the tradition of the British people to be fearsome or grudging in resigning to subject people a large share of the burden of their own government as they become fit" and still larger powers for self-government will be transferred to Indian hands by the new constitution. We also hope that in discussing the much discussed safeguards the force of the observation of Major Attlee that the strongest safeguard is the goodwill of

the Indian people, will not be entirely lost on the other members of the British Parliament. Now, Sir, may I be permitted to make a few observations *anent* Bengal's special grievances against the proposed Reforms. The first of these—and about which I am sure there will be complete unanimity of opinion amongst all the members of this House—is the great financial injustice to this province, which the proposed scheme threatens to perpetuate. Mr. S. M. Bose, the mover of this motion, Khan Bahadur M. A. Momin, and Mr. Thompson, have spoken at some length on this point, and they have shown how our most legitimtate claims to a larger share of our revenues have been brushed aside. We are not to get the other half of our jute export duty, to which we have an exclusive claim, jute being our monopoly produce and export duties in all Federal Governments being the income of the State concerned,—nor are we to get any more share of our income-tax revenue, which had been promised to us—in fact, almost the entire additional charge which the Central Government will have to meet to run the Reforms, amounting to nearly four crores of rupees, will have to be found by Bengal. While Bombay gets a relief of Rs. 60 lakhs, Bengal is to be left in her present impoverished and starving condition. The province with the largest population in India, the largest revenue receipts of her own, and the most urgent need for a progressive policy in every direction, is to be left with the smallest revenue income per head of the population of any major province in India being half of Madras and less than one-third of Bombay. In these conditions, no system of Government will have the least chance of success, and the discontent of the masses and of the unemployed middle classes will go on increasing instead of being allayed and add considerably to the existing difficulties of the Bengal Government.

Then, Sir, I pass on to what we on this side of the House consider our major grievance. We venture to submit that, in our judgment, even if the constitution be liberalized in other respects, to meet legitimate Indian aspirations it will be found unworkable in this province if the Communal Award, on which in a manner the constitution has been made to rest, is not modified at least on the terms of the notable amendment which the Marquess of Zetland moved before the Committee. I have no doubt that the attention of all hon'ble members of this House has already been drawn to this remarkable document and the unassailable arguments with which he has supported his contentions. I trust the House will permit me to point out that the Marquess of Zetland and Lord Lytton who supported him were only two members of the Committee who had firsthand knowledges as Governor of this province and Lord Hardinge, another supporter of the amendment, was the last Viceroy who had his seat in Calcutta. But I have no desire to strike a controversial tone in our debate to-day, for I realise fully that without

the generous assistance of the other sections of this House there is not the remotest chance of the Bill being modified in the terms of this amendment. And I appeal to my Muslim fellow-members of this House not to lose this opportunity, perhaps the last opportunity they will have, of being generous to their brother Hindus with whom they lived in this province for generations past and will have to continue to do so, let us hope, for generations to come.

Khan Bahadur MUHAMMAD ABDUL MOMIN: You and I will not be alive then.

Mr. J. N. GUPTA: Well, our sons and grandsons will. Surely, their own political sagacity will tell them that even if they obtained all the privileges which the Award promises to their community they could not hope to carry on the difficult task of the administration of this province without the active and willing help and co-operation of their Hindu brothers. And, after all, the amendment offers them representation in the Council according to the strength of their population; and as regards the option of separate electorates which the amendment reserves for minority communities, I am sure a satisfactory agreement could be reached by the two communities, and at any rate this is a privilege which their minority co-religionists of other provinces will also enjoy and thus be able to some extent to influence the selection of their representatives in their own Councils. Turning to the group of hon'ble members to the left of our Muslim brothers, I am sure the powerful appeal of the Marquess of Zetland against the setting up of a permanent communal majority by statute must go home to them and they must feel that such a scheme would be inconsistent with any form of representative government. Furthermore, I am sure they will realize that their position in the future Council will not be strengthened if one of the major communities of the province is practically reduced to a state of impotence. But it is not from any such utilitarian motives that I would like the European members of the House to support our case, but rather from that love of fair play and justice to all which, I know, is ingrained in their national character. It is for the same reasons that I venture to appeal to the Treasury Bench also. Will they like to desert altogether the great community, which, to use the language of Lord Zetland, has played "such an enormously predominant part in the life of the province, and not the least in helping the Government to carry on the administration." From Mr. Baldwin's speech it would appear that the Local Government has sent an assurance to the British Government that there will be no lack of men to work the new constitution as envisaged in the Report. That may be true in the literal sense. But what self-respecting Hindu will be found with any claims to the confidence of his community if he steps over this undeserved ignominy of his own community to accept office in the future constitution. And

do they honestly believe that the constitution will have a fair chance of success under the conditions created by the Award? Two of the past Governors of the province have come to our help, and may we not hope that the Bengal Government, which was never more wisely, more ably, and more impartially, led than it is to-day, will not desert our cause at this critical stage? May I now conclude by an appeal to this side of the House also? We have a great cause to fight for, and justice is on our side. We should, therefore, be on our guard not to do or say anything which might prejudice our cause; and as moral persuasion is the only weapon in our armoury, nothing will be gained by the use of language which is not strictly moderate and suited to the dignity of the occasion.

Mr. PRESIDENT: We shall resume the discussion on the Joint Committee's Report to-morrow at 2 p.m.

I may remind the members that His Excellency the Governor will arrive at the Council House at 3-45 p.m. He will then be photographed with the hon'ble members of this House. I take this opportunity of most cordially inviting hon'ble members to have tea with me at the Council Restaurant after the late Sir William Prentice's portrait has been unveiled by His Excellency in this Chamber.

Adjournment.

The Council was then adjourned till 2 p.m. on Thursday, the 20th December, 1934, at the Council House, Calcutta.

APPENDIX TO THE PROCEEDINGS OF THE 19TH DECEMBER, 1934.

Unveiling of the portrait of the late Sir William Prentice by His Excellency the Governor.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Your Excellency, on behalf of the Memorial Committee of the late Sir William Prentice, it is my privilege to request you, Sir, to unveil the portrait which the Committee has decided to present to the Bengal Legislative Council. An eventful career was cut short almost with tragic suddenness just a year ago. His death was deeply mourned by his friends and admirers, as well as by those who were censorious of his official acts. Engaged as he was in the most difficult and responsible duty, Sir William had a few genuine sympathisers among those who knew the difficulties he had to overcome and a wide circle of critics. But about his honesty of purpose, his devotion to duty almost to the point of self-annihilation, there was no difference of opinion. Everybody admired his courage of conviction, his straight-forwardness and determination in facing an extremely difficult situation. Sir, behind his stern personality and apparent lack of sympathy, there lay a kind and sympathetic heart, always anxious to do justice to everybody, and a deeply religious nature that enabled him to bear sufferings in private life with Christian resignation.

The sudden exit from the scene of activities of such a forceful personality created a universal feeling of regret, and his friends and admirers both Indian and European decided to perpetuate his memory in a suitable manner. The Committee that was formed for the purpose agreed that a life-size portrait of the late Sir William Prentice should be presented to the Bengal Legislative Council which was one of the important spheres of his activities during the closing years of his career.

Sir, this portrait has been painted by Mr. Jamini Prakash Ganguly, the well-known Indian artist. This Council House is already a repository of many portraits of illustrious persons, but I have no doubt that the one which Your Excellency is going to unveil presently will find an honoured place amongst them as a memorial of a great public servant who dedicated his life to duty.

With these words, I respectfully request you, on behalf of the Committee, to unveil the portrait.

His Excellency the Right Hon'ble Sir JOHN ANDERSON: Mr. President, Sir Bijoy and Gentlemen—The ceremony which I am invited to perform this afternoon lies quite outside the category of those

routine duties which fall to be discharged by a Governor in the normal course of his work. It is for me a high privilege to be permitted to unveil in this place a portrait which will serve as a lasting memorial to a man who was one of my closest and most valued colleagues and whose untimely death at the very height of his powers I most sincerely deplore.

Gentlemen, you all knew the late Sir William Prentice. But few of you, I am sure, even among those who belonged to his own service, knew him with the intimacy of knowledge which came to me during the last months of his life. Our work brought us into constant and close association. We shared a burden of responsibility which at times seemed well nigh overwhelming. It was his duty to speak his mind freely on the problems with which we had to deal and he was a man who never failed to respond fully to the call of duty; but there were moments of deeper intimacy when he put aside altogether the restraint in which he had schooled himself to hold the more tender emotions of life, and when he unbosomed himself, as I like to think, to a friend rather than a colleague. Those occasions, infrequent though they were, gave me an insight into his personal character which added to my admiration for those qualities which marked his outstanding merit as a public servant an equal admiration for him as a man.

I have no doubt that to many who knew Sir William Prentice only superficially he must have seemed somewhat aloof and unresponsive. A shy and sensitive man, such as Sir William undoubtedly was, often assumes protective devices against a possible betrayal of his emotions. It was when he considered that his public duty compelled him to be critical or censorious that he most sternly repressed the promptings of a really generous heart. But when inclination did not run counter to duty he was a kindly and understanding friend to all who sought his aid in times of anxiety or difficulty. Many of his juniors in the public service of this province could, I know, support by their personal testimony what I have just said.

Apart from his great knowledge, his sagacity and his almost incredible industry, I think the qualities which impressed me most in Sir William as a public servant were his keen sense of justice and his intense loyalty to those he served. Stern though he may have been in his condemnation of any form of deliberate misconduct, he was equally ardent in the desire to protect the wrong-doer against undeserved or excessive punishment and it was his misfortune that on occasion the condemnation was publicly recorded while his efforts in mitigation of punishment, though successful, were necessarily hidden behind the veil of official secrecy. Again, his loyalty to his superiors often rendered him the butt of criticism which in justice should have been directed elsewhere. He preferred to be misjudged rather than gain

justice for himself by resort to any calculated indiscretion. It required no small degree both of courage and of constancy to pursue under the added load of heavy domestic affliction the even tenor of his way amid the slings and arrows with which outrageous fortune from time to time assailed him.

The services which Sir William Prentice rendered during the 32 years of his official life received recognition at the hands of His Majesty three times by his admission to the Companionship successively of the orders of the Indian Empire and the Star of India and finally a few months before his death, by his promotion to the dignity of a Knight Commander of the Most Eminent Order of the Indian Empire. I know that this last award gave him great satisfaction and my deep regret at his untimely death is tempered by this knowledge. It is fitting that his work and his memory should be honoured also here in the Legislature of the province to which he gave consistently of his best and in which, exhausted by the strain of public service, he laid down his life at the early age of 56 years. I ask you all to rise in your places while I unveil the portrait of our late colleague and friend Sir William Prentice—

> One who never turned his back but marched breast forward
> Never doubted clouds would break
> Never dreamed though right were worsted wrong would triumph
> Held we fall to rise, are baffled to fight better,
> Sleep to wake.

Mr. PRESIDENT: Your Excellency and Gentlemen—We have reached the last stage of the memorable ceremony which has brought us here this afternoon, under Your Excellency's inspiring presidency. The last duty to be performed has fortunately been assigned to me.

Sir, unwritten laws are no less imperative than those that have been written down. Statute law may be more dreaded than common law, but usages impose duties that are no less binding than statutory obligations. Conventions are so much humanised through universal reception that they are binding in conscience. I have no manner of doubt that there is none in this assembly who will contradict me when I say that it will be sheer ingratitude on our part if we do not take the last duty of the day as an obligation which our best instincts prompt us to discharge in all solemnity and that it is a duty which cannot but yield to us natural gratification and inward satisfaction. I am, therefore, sure that my proposal to accord a most hearty and cordial vote of thanks to your Excellency for unveiling, at our most earnest request, the portrait of the late lamented Sir William Prentice will be carried by warm and enthusiastic acclamation. (Applause.)

I know that Your Excellency readily granted compliance to our request as you were naturally anxious to pay your last tribute to the memory of one who was one of your most talented and trusted advisers. I know, Sir, that you are much too great to forget one who serves you well and gives you convincing proof of his fidelity; but, we also know that you have been passing through a period of continuous stress and strain, that the duties of your exalted office are many and onerous, and that it is the duty of all who have the welfare of Bengal at heart, to spare you all avoidable exertions, so that you may be able to utilise in the highest degree your great intellect and wonderful energy to accomplish the great task to which you have so nobly and resolutely set your hands, namely, to secure a genuinely peaceful atmosphere to push forward Constitutional Reforms calculated to make Bengal a greater Bengal. Sir, I thank you in the name and on behalf of this assembly.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 20th December, 1934, at 2 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 101 nominated and elected members.

In the temporary absence of the Hon'ble President, the Deputy President (Mr. Razaur Rahman Khan) occupied the Chair.

STARRED QUESTIONS

(to which oral answers were given)

Text Book Committee.

***24. Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that this year after the sub-committees of the Provincial Text Book Committee had made their reports a special committee was appointed to go through the rejected books?

(*b*) If the answer to (*a*) is in the affirmative, under what working rule was the appointment of the special committee made?

(*c*) Who were the members of the special committee?

(*d*) What time did they actually spend on the scrutiny?

(*e*) What was the number of books scrutinised?

(*f*) What was the remuneration drawn by each member?

(*g*) How many books rejected by the sub-committee were approved by the special committee?

(*h*) How many further books were approved by the Director?

(*i*) What is the total amount realised this year from authors and publishers under working rule 26?

(*j*) What is the amount of the annual grant paid by Government under rule 36?

(*k*) What was the amount paid as remuneration for review of the books submitted?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) Yes.

(*b*) The General Committee of the Provincial Text Book Committee adopted a resolution suggesting the formation of sub-committees. The Director of Public Instruction who is the final authority accepted this resolution of the General Committee.

(*c*) The names of members appointed to examine text books are treated as confidential.

(*d*) The members of special sub-committees were allowed such time as they required to re-examine the reports of the original reviewers. No time-limit was imposed.

(*e*) Four hundred and twenty-three books were scrutinised.

(*f*) No remuneration was paid for this extra work.

(*g*) One hundred and thirty-seven books (in English and Bengali Readers, English Grammar and English Composition, Bengali Grammar and Bengali Composition), but they were not all accepted by the Director of Public Instruction.

(*h*) Thirty-eight in the different subjects.

(*i*) Rs. 18,749.

(*j*) Rs. 10,200. An additional sum of Rs. 3,277 to meet the expenditure incurred has been asked for.

(*k*) The total amount required to meet the cost of remuneration is Rs. 13,477.

Maulvi SYED MAJID BAKSH: Is it customary to go through the list every year?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is a matter which rests entirely on the Text Book Committee and the Director of Public Instruction. There are no definite or special directions issued by the Education Department about this matter.

Rai Bahadur KESHAB CHANDRA BANERJI: Did the Special Committee go through the rejected books?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That is altogether a different question and I want notice of it.

Maulvi SYED MAJID BAKSH: Was the resolution referred to in the answer passed last year or this year?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The answer refers to this year, but I shall be glad to inquire about the appointment, if so desired.

Maulvi SYED MAJID BAKSH: Cannot this information be obtained from the Secretary?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The Secretary does not carry the files of 20 years with him.

Transfer of ministerial officers of civil courts.

*25. **Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that a new rule for the transfer of the sheristadars and nazirs of the District Judge's court from one district to another has been promulgated?

(*b*) If the answer to (*a*) is in the affirmative, did the Government give their consent to such a rule before its promulgation?

(*c*) Is the Hon'ble Member aware of a feeling of discontent amongst the officers affected by the operation of the rule?

(*d*) Is the Hon'ble Member aware that when these officers entered the service such a contingency was not in their contemplation?

(*e*) Is it not a fact that such a system bars the way to promotion to nazirs to the post of sheristadars when a comparatively junior officer is transferred in place of a very senior sheristadar?

(*f*) Are the Government considering the desirability of not putting ministerial officers to expenses incidental to transfers when the 5 per cent. cut is still in force?

(*g*) Is the Hon'ble Member aware—

(*i*) that many of these officers owing to long residence have established their homes in the very districts in which they were so long appointed, and

(*ii*) that transfer at this stage of their life would interfere with their homely life and the education of their children?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) Yes.

(*b*) Yes, Government have delegated to the High Court the power to transfer ministerial officers of the civil courts of the province under section 34 (1) of the Civil Courts Act, 1887.

(*c*) Certain articles in the press with reference to this matter have come to the notice of Government.

(*d*) No. Section 34 (1) of the Civil Courts Act, 1887, provides for such a contingency.

(*e*) No.

(*f*) Ministerial officers transferred in the interest of the public service are entitled to get such travelling allowances and expenses for the transportation of personal effects as may be admissible under the rules.

(*g*) (*i*) Yes.

(*ii*) Not necessarily.

Maulvi SYED MAJID BAKSH: With reference to (*e*), if a sheristadar, who has only two years' more service before retirement, retires now, the nazir succeeds him. But if he has 10 years' more service, is it not a bar for the nazir to succeed him?

The Hon'ble Sir JOHN WOODHEAD: I cannot reply to a hypothetical question like that.

Chittagong civil courts.

*26. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the Chittagong civil courts—

(*i*) the number of Judge's sheristadars, head nazirs, head clerks, accountants, Judge's peshkars and Sub-Judge's sheristadars;

(*ii*) how many of them are Mussalman and how many non-Mussalman; and

(*iii*) what are the scales of pay for the said posts?

(*b*) Is the Hon'ble Member aware that these ministerial posts are the higher grade posts of the civil court?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*), (*ii*) and (*iii*) A statement is laid on the table.

(*b*) Yes.

Statement referred to in the reply to starred question No. 26(a).

Name of posts.	Number of officers.	Number of Muhammadans.	Scales of pay.
			Rs.
Judge's sheristadar ..	1	Nil	175—10/1—275.
Judge's nazir	1	Nil	175—5/1—225.
Judge's head clerk ..	1	Nil	145—5/1—170.
Judge's accountant ..	1	Nil	80—4/1—140.
Judge's peshkar ..	1	Nil	80—4/1—140.
Sub-Judge's sheristadars ..	2	Nil	80—4/1—140.

Sale of estates in Chittagong.

*27. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement for the Chittagong district showing for the period from the 11th June to the 30th June, 1934,—

(*i*) how many *mahals* both of permanently-settled estates and temporary-settled estates have been sold;

(*ii*) how many *mahals* have been made *khas* by the Government for want of bidders; and

(*iii*) of such *mahals* made *khas*, how many are of *jamas* more than Rs. 100?

(*b*) Will the Hon'ble Member be pleased to lay on the table another statement for the Chittagong district showing—

(*i*) how many *mahals* have been advertised for sale to be held between 8th to 28th November, 1934, for arrears of revenue and cesses; and

(*ii*) of such advertised *mahals*, how many have been sold and how many have been made *khas* by the Government for want of bidders?

(*c*) Will the Hon'ble Member be pleased to state how many *mahals* in the Chittagong district during the last 30 years—

(*i*) have been in arrears for any kist; and

(*ii*) have been sold or made *khas* by the Government?

(*d*) Is the Hon'ble Member aware of the fall in price of the food crops and enhancement of the *jama* during the revisional survey and settlement of the Chittagong district?

(*e*) Are the Government considering the desirability of relieving the distress of the Chittagong people by remission of at least 25 per cent. of the *jama* of the temporary-settled estates?

SECRETARY to GOVERNMENT, REVENUE DEPARTMENT (Mr. O. M. Martin): (*a*) (*i*) 319.

(*ii*) 138.

(*iii*) 9.

(*b*) (*i*) 6,176.

(*ii*) Sold—674; Made *khas*—99.

(c) It is not possible to give figures over a period of 30 years. Figures have been supplied for comparisons, of the years 1902, 1912, 1922, 1932. They are as follows:—

(i)	1902.	1912.	1922.	1932.
	1,108	4,293	5,399	13,245

(ii)	1902.	1912.	1922.	1932.
Sold ..	282	388	485	922
Made *khas* ..	7	24	31	180

(d) Yes.

(e) Government, after careful consideration, have decided against any such general remission.

Khan Bahadur MUHAMMAD ABDUL MOMIN: What is the reason for the general increase in the number of defaults in these estates?

Mr. O. M. MARTIN: We have had long reports about this previously, and a very long series of reasons have been given by the Collector. In view of the recent figures, I shall again inquire from the Collector and find out what the reasons are.

Qualification for Subordinate Educational Service in Science.

*28. **Khan Bahadur Maulvi EMADUDDIN AHMED:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that there is a Government circular requiring M.Sc. degree as the minimum qualification for the appointment in the Subordinate Educational Service in Science in a Government college?

(b) Is it a fact that an undergraduate has been recently appointed in the Subordinate Educational Service in Physics in the Presidency College?

(c) If the answers to (a) and (b) are in the affirmative, why has the circular been violated?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (a) There is no such circular.

(b) An undergraduate already holding a substantive appointment in the Subordinate Educational Service has been recently promoted to the Lectureship grade in that service on a temporary basis. Whether or not he will be permanently appointed to it has not yet been decided.

(c) Does not arise.

Babu SATISH CHANDRA RAY CHOWDHURY: What is the length of service of this under-graduate? Was he promoted on account of seniority or for any special qualification?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is very difficult for me to indicate his length of service offhand. I believe the usual rules of promotion were applied in this case.

Maulvi SYED MAJID BAKSH: Were there other candidates, and what were their qualifications?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I want notice.

Nabaganga cut canal.

*29. **Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether the Nabaganga cut at Chuadanga was closed either wholly or partially this year by the District Magistrate of Nadia?

(*b*) If the answer to (*a*) is in the affirmative, what was the reason for it and what was the authority under which the Magistrate acted as he did?

(*c*) Will the Hon'ble Member be pleased to state whether as a result of the heavy flood this year the sandbank at the mouth of the Mathabhanga has been removed to any extent?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No. It was partially closed for two weeks by the District Engineer.

(*b*) (*i*) To facilitate the construction of a bridge.

(*ii*) The cut belongs to the District Board. The District Engineer acted on his own authority with the concurrence of the Irrigation Department.

(*c*) Yes, the sandbank has been washed away.

Maulvi SYED MAJID BAKSH: Is it a fact that, as a result of the sandbank being washed away, there is likely to be a very heavy flood in the Mathabhanga next year?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, as a matter of fact it would be otherwise.

Maulvi SYED MAJID BAKSH: But if there is a heavy flood, is it not desirable to canalise the Mathabhanga?

Mr. DEPUTY PRESIDENT: That is a hypothetical question.

Girls' High School in the Burdwan Division.

*30. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that there is not a single high English school for girls in any of the six districts of the Burdwan Division; and

(*ii*) that in the small French territory of Chandernagore there is one school with boarding for girls of the French subjects?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of encouraging female education in south-west Bengal, by starting a new high English school for girls or by converting one of the Government schools to such an institution?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*) No. There is a high English school for girls in each of the districts of Burdwan, Midnapore and Howrah.

(*ii*) Yes.

(*b*) Does not arise.

Babu SATYA KINKAR SAHANA: What are the names and locations of the girls' high schools in Burdwan and Midnapore?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: There are the Mission Girls' High School in Burdwan, the Mission Girls' High School at Midnapore and a Girls' School at Howrah.

Babu SATYA KINKAR SAHANA: Are they not all missionary schools?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: They are high schools too.

Babu SATYA KINKAR SAHANA: What funds have been supplied to these schools by Government for the running of these schools?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I want notice of this question.

Ayurvedic system of medicine.

*61. **SETH HUNUMAN PROSAD PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government have considered that the indigenous Ayurvedic system of medicine would be more suitable to the masses and cheaper than the Allopathic system?

(*b*) Are the Government at present rendering any help to public institutions and dispensaries in which this indigenous system has been adopted?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what help has been rendered by the Government during the last 3 financial years?

(*d*) Is the Hon'ble Minister aware—

(*i*) that the Ayurvedic and Unani systems of medicine have been recognised by the Madras Government and a few other provincial Governments in India;

(*ii*) that there is a Government school in Madras which teaches Indian systems of medicine; and

(*iii*) that the pupils of the school, when they obtain their diploma, are allowed to practise as registered medical practitioners?

(*e*) Are the Government considering the desirability of extending in the immediate future, the same help and recognition to Ayurveda as the Madras Government?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Government are aware that the Ayurvedic system of medicine is popular with a large section of people in Bengal but they are not prepared to accept the sweeping statement that it is more suitable to the masses in all cases. It is cheaper at present than the Western system for a variety of reasons; but, as pointed out in the report of the Ayurvedic Committee, Bengal, that it may not remain quite so cheap in future, as Western medicines are gradually growing cheaper while Ayurvedic medicines may become dearer with an increase in demand or in the cost of production.

(*b*) No Government contributions are paid to such dispensaries, but Bengal Civil Medical Department forms are supplied free to them.

(*c*) B. C. M. D. forms to the value of Rs. 124-9-3 were supplied to such dispensaries during the last 3 years.

(*d*) (*i*) to (*iii*) Yes.

(*e*) The constitution of an Ayurvedic Council and State Ayurvedic Faculty is under the consideration of Government.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to (*e*), when do the Government expect to come to a final decision?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The whole matter hinges on the question of funds. If funds are available, Government will lose no time to come to a decision.

Babu JITENDRALAL BANNERJEE: Are the Government not prepared to advance any funds?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Promotion of Sub-Registrars.

*32. **Rai Sahib SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to lay on the table a statement showing—

(*i*) the present number of Sub-Registrars promoted to the rank of District Sub-Registrar or Sub-Deputy Collectors;

(*ii*) how many of them are Muslims;

(*iii*) how many of them are non-Muhammadans;

(*iv*) how many of them are members of the scheduled castes; and

(*v*) the present number of Sub-Registrars belonging to the scheduled castes?

(*b*) Are the Government considering the desirability of considering the claims of the scheduled castes at the time of promotion?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) A statement is laid on the table.

(*b*) No: special attention is always paid to the claims of candidates belonging to scheduled castes, etc., when appointments are made, but the final choice of candidates for promotion is determined by merit and seniority alone.

Statement referred to in the reply to starred question No. 32 (a).

(*a*) (*i*) All the twenty-six District Sub-Registrars are promoted Sub-Registrars. There is one officer now in service who was promoted from Sub-Registrar to Sub-Deputy Collector.

(*ii*) 12.

(*iii*) 14 District Sub-Registrars; 1 Deputy Collector.

(*iv*) None of these is a member of the backward classes as enumerated on page 189, Volume I of the Report of the Calcutta University Commission.

(*v*) 5 Sub-Registrars belong to the backward classes.

Khan Bahadur MUHAMMAD ABDUL MOMIN: With reference to (*b*), who are the "scheduled castes, etc."

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: My friend knows perfectly well that the terms "scheduled castes" have been brought into use very recently. Formerly, they were referred to as "backward classes." The term "scheduled castes, etc." includes all these.

Condition of certain rivers in the 24-Parganas and Hooghly districts.

*33. **Mr. P. BANERJI:** (*a*) Has the attention of the Hon'ble Member in charge of the Irrigation Department been drawn to the deplorable condition of the Bidyadhari river, the Tolly's Nullah, the Adi-Ganga, the Arapacha khal and the Thakurpukur khal in the district of the 24-Parganas and the Saraswati river in the district of Hooghly?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, are the Government taking for the re-excavation of the said rivers and the khals at an early date?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) I lay a statement on the table.

Statement referred to in the reply to starred question No. 33 (b).

The Bidyadhari river.

A proposal to revive the river by dredging and providing a large spill area has recently been investigated, but the cost of the scheme is prohibitive.

Tolly's Nullah.

Being open to tidal action the nullah is particularly liable to siltation. Silt clearance is, however, done periodically.

The Adi-Ganga river.

This river was formerly a part of the course of the river Ganges, but deterioration set in over 100 years ago. The reach between Garia

and Baruipur, 9 miles in length, is completely silted up, and the bed has been cultivated for the past 40 or 50 years. There are many tanks, local board and village roads across the former channel and the culverts in these roads provide for local drainage only. The cost of excavating this reach would be prohibitive. The lower portion, from Baruipur to Suryapur, a length of 5 miles, is in good condition, though the channel is narrow. Re-excavation is unnecessary at present.

The Arapacha khal.

The old khal was abandoned many years ago and a new channel was constructed in 1923. It is working well, and does not require re-excavation.

The Thakurpukur khal.

This proposal is one for which the local people should apply to the Collector of the district for action under Act VI of 1920.

The Saraswati river.

Government are at present unable to undertake the re-excavation of the river owing to financial stringency. It is, however, being flushed, with the result that its condition has improved considerably.

Cadastral survey.

*34. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the names of the districts in which the cadastral survey operations have been finished and records of rights finally published;

(*ii*) the acreage area of each of those districts as has been ascertained by the said survey operations;

(*iii*) the time that has been taken to finish the said operations in those districts;

(*iv*) the names of districts in which such operations have not been undertaken or are in progress now; and

(*v*) the approximate time that may be taken to finish such operations in the districts referred to in (*iv*)?

Mr. O. M. MARTIN: (*i*) to (*v*) Two statements are placed on the table.

I.

Statements referred to in the reply to starred question No. 34, showing the areas of the districts in which cadastral survey operations have been finished and records of rights finally published and the time taken in such operations in each district.

Names of districts in which the operations have been finished.	Area of each district ascertained in acres.	Time taken from—to—.
1. Birbhum	1,139,200	(a).
2. Bankura	1,704,960	1917—1924.
3. Midnapore	3,235,840	1911—1920.
4. 24-Parganas	2,092,800 (excluding forests). 2,922,240 (including forests).	1924—1933.
5. Nadia	1,744,000	1918—1927.
6. Murshidabad	1,286,400	(a).
7. Jessore	1,870,720	1917—1925.
8. Khulna	1,582,080 (excluding forests). 3,049,600 (including forests).	1920—1928.
9. Dacca	1,812,480	1910—1917.
10. Mymensingh	4,116,480	1908—1921.
11. Faridpur	1,581,440	1904—1914.
12. Bakarganj	1,819,520 (excluding forests). 2,233,600 (including forests).	1900—1908.
13. Chittagong	1,212,107 (excluding forests). 1,568,000 (including forests).	1924—1933.
14. Noakhali	1,039,300	1914—1920.
15. Tippera	1,599,360	1915—1919.
16. Rajshahi	1,653,120	1912—1922.
17. Jalpaiguri	1,303,680 (excluding forests). 1,874,360 (including forests).	1906—1916.
18. Bogra	885,760	1920—1929(b).
19. Pabna	1,176,960	

(a) Birbhum and Murshidabad taken together commenced from 1923 and completed in 1932.

(b) Pabna and Bogra were taken up together.

II.

Statement showing the districts in which cadastral survey operations are in progress and the approximate time which will be taken to finish them.

Names of districts in which the operations are in progress.	Approximate time the operations will take in each case.
1. Burdwan	From 1927 to 1937.
2. Hooghly	From 1927 to 1937.
3. Howrah	From 1934 to 1940.
4. Dinajpur	From 1934 to 1943.
5. Malda	From 1929 to 1936.
6. Rangpur	From 1931 to 1941.

Recruitment of depressed class candidates by district authorities of Faridpur and Rajshahi.

***35. Rai Sahib SARAT CHANDRA BAL:** Will the Hon'ble Member in charge of the Appointment Department be pleased to lay a statement on the table showing—

(*i*) the names, castes and qualifications of persons recruited either as probationers or temporary clerks by the district authorities of Faridpur and Rajshahi districts from the year 1932 to 1934 (July) respectively; and

(*ii*) the number of such vacancies filled up in each case by the candidates of the Muslim, Depressed Class and other non-Muhammadan communities respectively?

DEPUTY SECRETARY to GOVERNMENT, APPOINTMENT DEPARTMENT (Mr. B. R. Sen): (*i*) and (*ii*) Two statements A and B containing the information are placed on the table.

Statement referred to in the reply to starred question No. 35.

A

Statement showing the names, castes and qualifications of persons recruited as probationers or temporary clerks in the offices of the District Magistrate and District Judge, Faridpur, and District Magistrate and District Judge, Rajshahi and Malda, during the years 1932-34.

Name.	Caste.	Qualification.
1. *District Judge's Office, Faridpur.*		
Probationers appointed during the period 1932-34 (July).		
1. Babu Dakshinaranjan Ghosh ..	Bengalee, Hindu, Kayastha.	M. Sc.
2. Maulvi Hafezali Meah	Bengalee, Muhammadan	B.A.
3. Maulvi Saiduddin Ahmed ..	Ditto ..	Matric.
4. Babu Nirode Ranjan De ..	Bengalee, Hindu, Kayastha.	B.A.
5. Babu Rashik Lal Dhupi ..	Bengalee, Hindu, Dhupi	B.A.
6. Babu Brojeswar Mandal	Bengalee, Hindu, Namasudra.	B.A.
7. Maulvi Mahammad Asmatali Khan ..	Bengalee, Muhammadan	B.A.

	Name.	Caste.	Qualification.

2. *District Magistrate's Office, Faridpur.*

Probationers appointed during 1932, 1933 and 1934.

1932.

1.	Babu Benode Lal Das	Hindu, Kayastha ..	Matric.
2.	M. Salimuddin Ahmed	Muhammadan ..	I.A.
3.	Babu Hem Chandra Biswas ..	Hindu, Namasudra (Backward).	Matric.
4.	Babu Profulla Kumar Sarker ..	Hindu, Kayastha ..	B.A.

1933.

1.	Babu Suresh Chandra Lahiri ..	Hindu (Brahmin) ..	B.A.
2.	M. Jwader Rahim	Muhammadan ..	Matric.
3.	M. Shah Mahmmad Obedar Rahaman	Ditto ..	I.Sc.
4.	Babu Chandra Mohan Biswas ..	Hindu (Namasudra) (Backward).	Matric.
5.	M. Syed Safiullah ..	Muhammadan ..	B.A.

1934.

1.	M. Mir Moazzem Ali ..	Muhammadan ..	Matric.
2.	M. Golam Mowla ..	Ditto ..	Ditto.
3.	Babu Kali Charan Serkhel ..	Hindu (Brahmin) ..	Ditto.
4.	Babu Sudhangsu Sekhar Mondal ..	Hindu, Namasudra (Backward).	B.A.
5.	Babu Rajyeswar Biswas ..	Ditto ..	Matric.

Temporary clerks appointed during 1932, 1933 and 1934.

1932.

1.	Babu Amulya Bhusan Sen ..	Hindu (Baidya) ..	I.A.
2.	Jogesh Chandra Bagchi ..	Hindu (Brahmin) ..	Matric.
3.	Babu Manoranjan Das ..	Hindu, Dhobi (Backward).	B.A.
4.	M. Salimuddin Ahammad ..	Muhammadan ..	I.A.
5.	M. Shah Mohammad Obedar Rahaman	Ditto ..	I.Sc.
6.	M. Md. Golam Mowla ..	Ditto ..	Matric.

1933.

1.	M. Syed Safiullah ..	Muhammadan ..	B.A.
2.	Babu Chandra Mohan Biswas ..	Hindu (Namasudra) (Backward).	Matric.
3.	Babu Jitendra Kumar Guha ..	Hindu (Kayastha) ..	I.A.
4.	Babu Sasanka Mohan Mazumdar ..	Ditto ..	Matric.

1934.

1.	Babu Sukhendra Kumar Ghosh ..	Hindu (Kayastha) ..	B.A.
2.	Khondkar Md. Hafizullah ..	Muhammadan ..	B.A.
3.	Babu Sudhangsu Sekhar Mondal ..	Hindu, Namasudra (Backward).	B.A.
4.	M. Abdul Majid ..	Muhammadan ..	I.A.
5.	Babu Sarat Ch. Bhattacharjee ..	Hindu (Brahmin) ..	I.Sc.
6.	Babu Jatindra Nath Sarkar ..	Hindu (Namasudra) ..	Matric.
7.	Maulvi Obedar Rahaman Choudhury	Muhammadan ..	B.A.
8.	M. Abdul Jalil Khan ..	Ditto ..	I.A.

	Name.	Caste.	Qualification.	Post.
	3. *District Judge's Office, Rajshahi (and Malda).*			
	1932.			
1.	Babu Kali Prasanna Das Gupta.	Hindu	Under Matric.	Probationer.
2.	Babu Bimalananda Ganguli.	Ditto	Under Graduate.	Ditto.
3.	M. Md. Esharat Hossain	Muhammadan	Matriculate	Ditto.
4.	Babu Dhirendra N. Bagchi	Hindu	Ditto	Ditto.
5.	Babu Bhupendra Nath Dhar.	Ditto	Under Matric.	Ditto.
6.	M. Abdul Khaleque	Muhammadan	Matriculate	Ditto.
7.	Babu Raghu Nath Pal	Hindu	Ditto	Temporary clerk.
8.	Abdus Salam Md. Abu Tayeb.	Muhammadan	Ditto	Ditto.
9.	Babu Jogesh Ch. Chaki	Hindu	Ditto	Ditto.
	1933.			
1.	M. Abdus Salam Abu Tayab	Muhammadan	Matriculate	Probationer.
2.	Babu Raghu Nath Pal	Hindu	Ditto	Ditto.
3.	Babu Paresh N. Roy	Ditto	Ditto	Ditto.
4.	Jogesh Ch. Chaki	Ditto	Ditto	Ditto.
5.	M. Shamsul Islam	Muhammadan	Graduate	Ditto.
6.	Babu Arabinda Roy	Hindu	Matriculate	Temporary clerk.
7.	M. Azizul Haque	Muhammadan	Ditto	Ditto.
8.	Babu Rebati Kanta Maitra	Hindu	Ditto	Ditto.
	1934.			
1.	Babu Arabinda Roy	Hindu	Matriculate	Probationer.
2.	M. Azizul Haque	Muhammadan	Ditto	Ditto.
3.	Babu Rebati Kanta Maitra	Hindu	Ditto	Ditto.
4.	M. Khabibar Rahaman	Muhammadan	Graduate	Ditto.
5.	Babu Kalipada Kumlu	Hindu	Ditto	Ditto.
6.	Babu Gopal Govinda Pramanik.	Depressed class	Ditto	Temporary clerk.
7.	Babu Sachindra N. Roy Choudhuri.	Hindu	Matriculate	Ditto.
8.	M. Golam Mahiuddin	Muhammadan	Ditto	Ditto.

	Name.	Caste.	Qualification.	Remarks.
	4. *District Magistrate's Office, Rajshahi (1932-34).*			
		Probationers.		
1.	M. Md. Solaiman	Muhammadan	Matriculate.	
2.	Achyoota Nanda Das	Suborna Banik	Ditto.	
3.	Baroda Kanta Deb	Kayastha	Ditto.	
4.	Devendra Nath Sarker	Rajbanshi	Ditto	Backward class.
5.	Md. Abdul Goffer	Muhammadan	Ditto.	
6.	Md. Abdus Sattar	Ditto	B.A.	
7.	Sachindra Nath Roy Choudhury.	Baidya	B.A.	

	Name.	Caste.	Qualification.	Remarks.
	4. District Magistrate's Office, Rajshahi (1932-34).—concld.			
	Probationers.			
8.	Anukul Chandra Das ..	Baishnab ..	B.A. ..	Backward class.
9.	Sarat Chandra Sarkar ..	Potter (Kumar) ..	B.A. ..	Ditto.
10.	Nalini Ranjan Das ..	Baisnab ..	Matriculate	Ditto.
11.	Khondkar Norul Hossain	Muhammadan ..	B.A.	
12.	Surendra Nath Roy ..	Karmakar (Kamar)	B.A.	Backward class.
13.	Jitendra Nath Roy ..	Brahmin ..	Matriculate	Transferred from the Commissioner's Office.
14.	Heramba Das Bhattacherjya.	Ditto ..	I.A. ..	Re-employed retrenched officer.
15.	Md. Syed Abdul Quader ..	Muhammadan ..	Matriculate.	
	Temporary.			
1.	Suresh Chandra Roy ..	Brahmin ..	Matriculate.	
2.	Paritosh Chandra Lahiri ..	Ditto ..	Ditto.	
3.	Aola-de Mohsin ..	Muhammadan ..	Ditto.	
4.	Ganga Kumar Banerjee ..	Brahmin ..	Ditto.	
5.	Md. Auranzeb ..	Muhammadan ..	Ditto.	
6.	Lokendra Nath Mukherjee	Brahmin ..	Ditto.	
7.	Md. Habibar Rahman ..	Muhammadan ..	Ditto.	
8.	Md. Qayemuddin ..	Ditto ..	Ditto.	
9.	Mirza Md. Mokbul Hossain	Ditto ..	Ditto.	
10.	Akhil Kumar Munshi ..	Baidya ..	Non-Matric.	

B

Statement showing the number of permanent and temporary vacancies in the offices of the District Judge and District Magistrate of Faridpur and District Magistrate and District Judge of Rajshahi (and Malda) filled by candidates belonging to the Muslim and backward classes and other non-Muhammadan communities.

Year.	Number of vacancies filled up.	Muslims.	Backward classes.	Other non-Muhammadan communities.	Remarks.
District Judge's Office, Faridpur (years 1932-34).					
Permanent appointments.					
	7	3	2	2	No temporary clerks were appointed.

Year.	Number of vacancies filled up.	Muslims.	Backward classes.	Other non-Muhammadan communities.	Remarks.
District Magistrate's Office, Faridpur (years 1932, 1933 and 1934).					
Permanent appointments.					
1932 ..	4	1	1	2	
1933 ..	5	3	1	1	
1934 ..	5	2	2	1	
Total ..	14	6	4	4	
Temporary appointments.					
1932 ..	6	3	1	2	
1933 ..	4	1	1	2	
1934 ..	8	4	2	2	
Total ..	18	8	4	6	
District Judge's Office, Rajshahi and Malda (years 1932, 1933 and 1934).					
Permanent appointments.					
1932 ..	6	2	..	4	
1933 ..	5	2	..	3	
1934 ..	5	2	..	3	
Total ..	16	6	0	10	
Temporary appointments.					
1932 ..	3	1	..	2	
1933 ..	3	1	..	2	
1934 ..	3	1	1	1	
Total ..	9	3	1	5	
District Magistrate's Office, Rajshahi (years 1932-34).					
Permanent appointments.					
	15	5	5	5	
Temporary appointments.					
	10	5	..	5	

Custody fee for attachment of live-stock.

*36. **Babu HEM CHANDRA ROY CHOUDHURI:** Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that the litigant public have to make the compulsory deposit of sale fee and custody fee of the live-stock intended to be attached in execution of a Civil Court or Small Cause Court decree, before the writ of attachment is issued;

(*ii*) that in many cases either the attachment of the movables is not actually made or attached properties are not sold but released on compromise; and

(*iii*) that in consequence the decree-holder incurs loss to get the refund of the sale fee and custody fee deposited?

The Hon'ble Sir JOHN WOODHEAD: (*i*) Under Order XXI-A, rule 1, the court has the discretion to direct deposit of custody fee and other costs at the time of making the application for attachment of live-stock. Sale fee is not required to be paid before attachment and sale.

(*ii*) It may be so. The decree-holder may or may not have the property attached, or when attached he may allow it to be released by effecting a compromise.

(*iii*) The decree-holder may get a refund of the fees paid if not expended.

Babu HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Member aware that there is a standing order in all the judicial courts in Noakhali *sudder* directing the officer in charge of the execution cases to get a deposit of custody fee at the time when applications are made?

The Hon'ble Sir JOHN WOODHEAD: No, I am not aware of it.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member make an inquiry in this matter?

The Hon'ble Sir JOHN WOODHEAD: Yes, Sir.

Distress in Bankura.

*37. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that rainfall this year was deficient in Bankura;

(*ii*) that the produce of paddy in the district is not expected to be more than 6 annas of the normal crop;

(*iii*) that already distress is noticeable in several places of the district;

(*iv*) that the labourers in the rural areas are suffering for want of employment;

(*v*) that it is apprehended that acute distress, if not famine, will appear in the district next year?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what steps, if any, have the Government been contemplating for relieving the situation; and

(*ii*) whether they are considering the desirability of advancing agricultural loans on easy terms to persons for expenditure in supplying employment to the labourers?

Mr. O. M. MARTIN: (*a*) (*i*) Yes.

(*ii*) Latest estimate is 7 annas for the whole district.

(*iii*) There was a certain amount of distress before the harvesting of crops commenced.

(*iv*) This was the case before the harvest commenced, but labourers are now getting employment.

(*v*) A certain amount of distress is probable, but it is hoped that this will not be acute. The situation, however, will be carefully watched, and relief measures undertaken, if necessary.

(*b*) (*i*) Government have called for, and received, reports from the Collector. Rupees 5,000 has been sanctioned for Land Improvement loans, and Rs. 7,000 for agricultural loans.

(*ii*) Government will allot more money for agricultural and land improvement loans if required.

Mr. O. M. MARTIN: I may kindly be allowed to add to this answer:—

"Since this question was received and the draft reply was prepared, I have discussed the matter with the Collector of Bankura and he thinks that it will be necessary to open test relief work in the middle of January next."

Maulvi SYED MAJID BAKSH: Will Secretary kindly say by what delicate method he has worked out such a little difference as one anna?

Mr. O. M. MARTIN: I went simply by the latest report from the District Officer.

An Assistant Sub-Inspector of Faridpur District Police.

*38. **Rai Sahib SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) the number of police officers of the Faridpur district who were under order of suspension during the years 1933 and 1934; and

(*ii*) the time taken in each case to pass final orders?

(*b*) Is it a fact that an Assistant Sub-Inspector in the Faridpur District Police Force who is a Namasudra by caste and a member of the schedule castes of Bengal was under order of suspension with effect from the 26th January, 1934?

(*c*) Are the Government considering the desirability of taking a special note of hard cases?

DEPUTY SECRETARY to GOVERNMENT, POLICE DEPARTMENT (Mr. B. R. Sen): (*a*)(*i*) 10 in 1933 and 3 in 1934.

(*ii*)

1933.	*1934.*
2 cases less than 1 month.	1 case less than 4 months.
4 cases less than 2 months.	1 case less than 5 months.
1 case less than 3 months.	1 case 10 months 5 days.
1 case less than 5 months.	
1 case 8 months 15 days.	
1 case 1 year-3 months 4 days.	

(*b*) Yes. The case was finally disposed of on 30th November, 1934.

(*c*) The attendant circumstances of each case are always taken into consideration.

Posting of a Judicial Officer to Tangail town to try sessions cases.

*39. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether Government contemplate posting one Subordinate Judge with power to try sessions cases to act also as an Assistant Sessions Judge to the headquarters of the Tangail subdivision in the Mymensingh district?

(*b*) If, the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state when the Government intend to make the actual posting?

(c) Is the Hon'ble Member aware—

(i) that the journey between Tangail and the Mymensingh town is very tedious and expensive; and

(ii) that the said posting when effected will be a measure of relief to the litigant public of the Tangail subdivision by greatly minimising the cost of litigation?

The Hon'ble Sir JOHN WOODHEAD: (a) and (b) The matter is under the consideration of Government.

(c) (i) The journey is not more tedious or expensive than in several other subdivisions in Bengal.

(ii) Yes, possibly, to some extent.

Agricultural lands in Mymensingh.

*40. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state the acreage area of the total agricultural lands in the district of Mymensingh as has been ascertained by the last cadastral survey operations?

Mr. O. M. MARTIN: 3,102,747 acres.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. After the answer to 38 was given, my friend Mr. Eusufji got up to ask a supplementary question, but he was not allowed to put it?

Mr. DEPUTY PRESIDENT: He did not catch my eye. But I will see that such inconvenience is not felt in future.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is there any particular reason why Mr. Eusufji was not allowed to put his question?

Mr. DEPUTY PRESIDENT: As I have already explained that he did not catch my eye.

Land revenue of Bengal.

*41. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(i) the total amount of land revenue of Bengal as was fixed by the Permanent Settlement of 1793; and

(ii) the percentage of profit or collection charge (if any) stipulated for the landlords over the revenues so fixed by that settlement?

Mr. O. M. MARTIN: (*i*) The member is referred to page 258 of Harington's "Analysis of Laws and Regulations," Volume II, where it is shown that about the time when the Permanent Settlement was made the revenue of Bengal amounted to 1,90,40,380 *sicca* rupees or 2,03,12,543 Company's rupees. Bengal as it was known at that time does not, however, correspond in area with the presidency as it is constituted at present.

(*ii*) There was no such stipulation.

Maulvi ABDUL HAKIM: May I know what was the amount fixed by the permanent settlement?

Mr. O. M. MARTIN: I am sorry I am not ready with the figures.

Recovery of settlement cost in Malda.

*42. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that in the district of Malda, interest on the cost of settlement is being enforced even where instalments was granted without any stipulation that such interest would be charged?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of remitting such interest in cases of regular payment of the instalment in consideration of the economic distress and the recent flood in the district?

Mr. O. M. MARTIN: (*a*) No interest is charged over the settlement costs when instalments are paid in due time.

(*b*) Does not arise.

Khas mahal land revenues in Dacca.

*43. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware of a feeling of uneasiness amongst the inhabitants of *khas mahal* lands, particularly of Wari, Dacca, over the impending sudden increase in land revenues?

(*b*) If the reply to (*a*) is in the affirmative, are the Government considering the desirability of making an early pronouncement for allaying apprehensions on the subject by indicating adequate policy of a gradual rise in the scale of revenue to be realised?

Mr. O. M. MARTIN: (*a*) Yes.

(*b*) The matter is under the consideration of Government.

Cottage industries.

*44. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the industrial demonstrations initiated by him have proved very useful—

(*i*) by giving a fillip to cottage industries; and

(*ii*) by encouraging the young men of the industrial class to take seriously to cottage industries?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been contemplated to increase the number of demonstration parties and to take up more number of the dying and decaying industries of Bengal?

SECRETARY to GOVERNMENT, AGRICULTURE and INDUSTRIES DEPARTMENT (Mr. J. D. V. Hodge): (*a*) (*i*) and (*ii*) Yes.

(*b*) Funds are not at the moment available for adding to the number of the demonstration parties. An increase in the number of industries demonstrated requires improvement of the economic and technical processes of manufacture, and research is being carried on in respect of a number of industries with a view to bringing the cost of production within the purchasing power of the people.

Babu SATISH CHANDRA RAY CHOUDHURY: How many districts have been visited by the demonstration parties already in existence?

Mr. J. D. V. HODGE: I want notice.

Rai Bahadur KESHAB CHANDRA BANERJI: On a point of order, Sir. When the Hon'ble Minister or the Hon'ble Member, as the case may be, is absent, are we to address the Secretary or to the absent Member or Minister when asking supplementary questions?

Mr. DEPUTY PRESIDENT: You are to address the gentleman who replies to the question.

Irrigation in Bankura.

*45. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that Bankura is one of the driest districts in the province;

(*ii*) that the only source of irrigation of the district are tanks and bunds;

(*iii*) that the tanks and *bunds* have been neglected for long decades and have greatly deteriorated;

(*iv*) that the Salband and Amjore weirs have touched only a fringe of the irrigation problem for the district;

(*v*) that want of facilities for irrigation has caused about 52 per cent. of the acreage of the district to lie fallow;

(*vi*) that the district has been mentioned by responsible officials and non-officials as a land of permanent famine;

(*vii*) that the main crop produced in this district is paddy; and

(*viii*) that winter or *rabi* crop is very scanty?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Member be pleased to state whether the Government are contemplating the improvement of irrigation in Bankura -

(*i*) by improving the existing *bunds* and tanks;

(*ii*) by excavating canals joining the river Damodar with Dwarkeswar; and

(*iii*) by improving the Subhankari Danra?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) Tanks and *bunds* constitute the main source of irrigation in the district.

(*iii*) These have in many cases deteriorated as the result of neglect.

(*iv*) The schemes referred to do not provide irrigation for the whole district.

(*v*) The uncultivated area is approximately as stated, but the whole of this could not be brought under cultivation by means of irrigation schemes.

(*vi*) No. Periodic rather than permanent famine.

(*vii*) Yes.

(*viii*) Rabi crops are not grown extensively throughout the district.

(*b*) (*i*) The member is referred to the reply given to part (*b*) of his similar question on the 31st January last.

(*ii*) No.

(*iii*) A scheme is under investigation.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state whether, if the facilities of irrigation are provided, the major portion of the fallow lands of the district can be brought under cultivation?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the affirmative.

Process-fees for notifying revenue sales.

*46. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the year 1933-34—

(*i*) the total amount of the process-fees realised for notifying sale of revenue-paying estates; and

(*ii*) the rate at which these had been charged?

(*b*) Is it a fact that separate charges are made separately for separate accounts of tauzi?

(*c*) If the answer to (*b*) is in the affirmative, what is the rate of such charges?

Mr. O. M. MARTIN: (*a*) (*i*) No separate account is kept of such fees, so the figure is not available.

(*ii*) 12 annas (*vide* rule 70 at page 261 of the Sale Law Manual).

(*b*) Yes.

(*c*) 12 annas.

Road cess.

*47. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table district by district, a statement showing the total amount of annual road cess in Bengal realisable under the Bengal Cess Act, and the amount out of the said realisation to be paid to the district board fund?

Mr. O. M. MARTIN: It is not clear what exactly are the figures required; but the member will find much information bearing on the subject of his question in Appendix XX to the Land Revenue Administration Report and Form II of the Annual Resolution on the Working of District and Local Boards.

Licences to drivers and conductors of carriages.

*48. **Babu PROFULLA KUMAR GUHA:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether any licences are issued to the conductors and drivers of tram-cars?

(*b*) Is it a fact that the drivers of all carriages driven by mechanical powers have got to take licences regularly?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government intend to enforce taking of licences to all drivers of carriages driven mechanically?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (a) and (b) Under section 26 of the Calcutta Tramways Act, 1880, the Corporation have power to issue licences to drivers and conductors, but they have not exercised it. By virtue of the Indian Motor Vehicles Act, 1914, and rules made thereunder, driving licences are issued by District Magistrate or the Commissioner of Police, as the case may be, for driving motor vehicles other than road rollers or vehicles which run on rails.

(c) Government see no reason to depart from present practice.

Standard weights for jute.

*49. **Maulvi TAMIZUDDIN KHAN:** (a) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(i) that there is no uniformity in the weights used by purchasers of jute in the different jute centres in the mufassal; and

(ii) that the interests of illiterate jute-growers suffer on account of such want of uniformity in the weights used?

(b) Are the Government considering the desirability of fixing a uniform standard of weight to be used thoughout the province?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) (i) Yes.

(ii) There is no evidence that their interests have suffered materially owing to the lack of uniformity.

(b) The matter is under the consideration of Government. So far as municipalities are concerned, provision has been made in chapter XVIII of the Bengal Municipal Act, 1932, for standardisation of weights.

Maulvi TAMIZUDDIN KHAN: With reference to (a) (ii), have the Government made any inquiry into the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Maulvi TAMIZUDDIN KHAN: How did the Hon'ble Minister say in reply that there is no evidence.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At least it was not brought to the notice of Government.

Custody fee deposited in 3rd Munsif's Court, Noakhali Sadar.

*50. **Babu HEM CHANDRA ROY CHOUDHURI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the year 1933-34—

(*i*) the number of money, mortgage and small cause court execution cases filed in the 3rd Munsif's Court, Noakhali Sadar, in which sale fee and custody fee were deposited before the issue of writ of attachment of movables; and

(*ii*) the number of cases in which the said fees were not actually spent for the purpose?

The Hon'ble Sir JOHN WOODHEAD: A statement is laid on the table.

Statement showing the number of cases in which sale fee and custody fee were deposited before issue of writ of attachment of movables in the year 1933-34 in the Court of the Munsif of 3rd Court, Sudharam, for the Council Question No. 50, asked by Babu Hem Chandra Roy Choudhuri.

Class of cases.	No. of cases in which sale fees were deposited before issue of attachment of movables.	No. of cases in which custody fee deposited before issue of attachment of movables.	No. of cases in which sale fees were not actually spent.	No. of cases in which custody fees were not actually spent.
Money execution cases ..	..	5	..	5
Title execution cases ..	..	1	..	1
Small Cause Court execution cases	..	..	..	..

Babu HEM CHANDRA ROY CHOUDHURI: Is it not a fact that in many cases the cost of getting refund of custody fee is more than the amount of the deposit?

The Hon'ble Sir JOHN WOODHEAD: I am afraid I do not know.

Babu HEM CHANDRA ROY CHOUDHURI: In view of the fact that in certain cases the fee deposited has not been withdrawn, will the Hon'ble Member be pleased to request the mufassal and other judicial officers to use their discretion against such deposit before actual attachment is made?

The Hon'ble Sir JOHN WOODHEAD: I am afraid I must ask for notice of such an involved question.

Typists and copyists of civil courts.

***51. Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble member in charge of the Judicial Department be pleased to lay on the table a statement showing the average earning of each copyist and typist of civil courts of Bengal station by station?

(*b*) Is it not a fact that the Government increased the price of folios to the standard prescribed by High Court General letter No. 8 of 1921?

(*c*) Are the Government considering the desirability of increasing the remuneration of these officers to 3 annas instead of 2 annas per folio?

(*d*) Do the Government contemplate introducing a system of transfer among these officers from one station to another to ensure an equality of earning among these officers?

(*e*) Is the Hon'ble Member aware of the withdrawal of the benefit of contribution to the General Provident Fund from the typists and copyists?

(*f*) Are the Government considering the desirability of increasing the contribution to the extent of 6¼ per cent. of their emoluments to the contributory provident fund created for the typists and copyists?

(*g*) Do the Government intend granting gratuity to these Government servants on retirement?

(*h*) Is the Hon'ble Member aware that the payment of gratuity on retirement is prevalent amongst other non-pensionable officers?

The Hon'ble Sir JOHN WOODHEAD: (*a*) The information asked for is not available and could not be attained without a laborious inquiry, which, the Government regret, they are not prepared to undertake.

(*b*) and (*c*) Yes.

(*d*) There is no such proposal before Government at present.

(*e*) Yes.

(*f*) and (*g*) No.

(*h*) Yes, but not amongst officers paid on contract rates, like the typists and copyists.

Maulvi ABUL QUASEM: With reference to (*c*), when are Government likely to come to a decision on the question?

The Hon'ble Sir JOHN WOODHEAD: As soon as possible.

Maulvi ABUL QUASEM: Cannot the Hon'ble Member be more specific?

The Hon'ble Sir JOHN WOODHEAD: I am afraid it is impossible.

Maulvi ABUL QUASEM: With reference to (*e*), what are the reasons which led Government to withdraw the benefit of contribution to the General Provident Fund?

The Hon'ble Sir JOHN WOODHEAD: I cannot say offhand. There are so many typists and copyists involved.

Bench clerk in Khulna District Judge's office.

*52. **Maulvi SYED MAJID BAKSH:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether notice was circulated on the 8th August, 1934, by the District Judge of Khulna inviting applications for the post of a bench clerk of the District Judge's Court;

(*ii*) whether it was stated in that notice that preference would be given to Muhammadans and depressed class candidates;

(*iii*) the number of Muhammadan candidates who applied within due date;

(*iv*) the name and educational qualifications of two Muhammadan candidates possessing highest educational qualifications and their previous office experience, if any;

(*v*) the name of the person who got the appointment and his educational qualification; and

(*vi*) the name of the officer who made the appointment?

The Hon'ble Sir JOHN WOODHEAD: (*i*) and (*ii*) Yes.

(*iii*) 13.

(*iv*) (1) Md. Akram Ali, graduate, completed final law lectures, Clerk, High Court, Appellate Side.

(2) Md. Mohammad Ali Mallik, B.L., Clerk, Director of Land Records.

(*v*) Ramesh Chandra Chakravarty, Clerk, District Judge's office, Barisal, who read up to the B.A. standard and had been Bench Clerk of the Additional District Judge at Barisal.

(*vi*) Mr. M. K. Kirpalani, I.C.S.

Maulvi SYED MAJID BAKSH: Why was a man with a lesser qualification appointed, while the notice clearly stated that Muhammadan and depressed class candidates would be taken in?

The Hon'ble Sir JOHN WOODHEAD: No, Sir. I cannot say.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member kindly inquire why this preference was given?

The Hon'ble Sir JOHN WOODHEAD: I believe that in this matter the District Judge exercised the discretion given to him by the law.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to make an inquiry as to whether this candidate is a relative of a big employee in the District Judge's office?

The Hon'ble Sir JOHN WOODHEAD: No, Sir, I do not propose to make such an inquiry.

(At this stage the Deputy President vacated the Chair which was taken by the Hon'ble President.)

Pleader guardians in Noakhali Sadar civil courts.

*53. **Babu HEM CHANDRA ROY CHOUDHURI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the year 1933-34—

(*i*) the number of rent execution cases filed in the court of the 2nd Munsif, Noakhali Sadar, in which pleader guardians were appointed to represent the interest of minor judgment-debtors; and

(*ii*) in how many out of these cases did the pleader guardians appear and contest?

The Hon'ble Sir JOHN WOODHEAD: A statement is laid on the table.

Statement referred to in the reply to starred question No. 53, showing the number of rent execution cases in the court of the 2nd Munsif at Sadar in which pleader guardians were appointed to represent the interest of minor judgment-debtors and in how many of these cases the pleader guardians appeared and contested in the year 1933-34.

(*i*) The number of rent execution cases filed in the court of the 2nd Munsif, Noakhali Sadar, in which pleader guardians were appointed to represent the interest of minor judgment-debtors for the year 1933-34—Nil.

(*ii*) In how many of these cases did the pleader guardians appear and contest?—Nil.

Babu HEM CHANDRA ROY CHOUDHURI: Is it not a fact that under the present amended Bengal Tenancy Act, a pleader guardian is required to be appointed to the minor defendants in rent suits?

The Hon'ble Sir JOHN WOODHEAD: I cannot say offhand.

Babu HEM CHANDRA ROY CHOUDHURI: Is it not a fact that, in case of rent execution suits, the system of appointing pleader guardians of the minor judgment-debtor increases the liability of judgment-debtors for giving any benefit to the minors?

The Hon'ble Sir JOHN WOODHEAD: It is very difficult for me again to give a reply offhand to such an involved question.

Process-servers.

***54. Mr. P. BANERJI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing, district by district, for the last three years separately:—

(*i*) the number of process-servers above thirty years' service retained by the District Judges;

(ii) the number of process-servers below thirty years' service discharged by the District Judges, and

) the number of the temporary and permanent process-servers appointed?

Hon'ble Sir JOHN WOODHEAD: A statement is laid on the table. The figures about Chittagong have not been available and will be furnished later on.

Statement regarding process-servers referred to in the reply to starred question No. 54.

	(i)			(ii)			(iii)		
	1931.	1932.	1933.	1931.	1932.	1933.	1931.	1932.	1933.
Khulna ..	5	5	8	Nil	Nil	Nil	Nil	Nil	Nil.
Nadia ..	23	20	16	Nil	Nil	Nil	Nil	Nil	Nil
Faridpur ..	18	26	16	..	2	..	..	..	..
24-Parganas ..	58	51	51	..	1*	1†	..	..	..
Bankura ..	39	33	29	..	1‡	1‡	..	..	.
Tippera ..	..	8	..	..	11	..	..	..	..
Bakarganj ..	50	12	13	.	37	4		.	..
Rajshahi ..	19	19	18	..	2§	.	.	.	.
Jessore ..	23 (4 retired, 1 died).	21 (4 retired).	20 (2 retired)	..	..		.	..	.
Dacca ..	43	43	38	3	..	.	..	..	12
Midnapore ..	11	5††	..	..	1**	..	..	..	..
Noakhali ..	12	18	19	..	.	.	..	..	..
Burdwan ..	.	9	..		.	..	..	..	..
Dinajpur ..	22	21	25	.		.	..	1 (permanently).	..
Birbhum ..	18	16	12	..	..	..	..	..	..
Rangpur ..	21	11	15	..	1§	..	..	..	..
Pabna and Bogra	17	16	19	..	..	2 (1 convicted, 1 insane).	..	..	..
Hooghly ..	10*	16	16	.	1	1	..	2	..
Murshidabad ..	18	18	19	..	..	..	.	2	.
Mymensingh ..	56	11	16		6	9	..	..	..
Faridpur ..	18††	26††	16††	..	2	..	..	..	..
Chittagong .	..	..	.	..	.	..	..	..	.

* Dismissed. † Voluntarily retired on invalid gratuity. ‡ Removed by punishment. § Blindness and madness. ‖ Permanently incapacitated †† Not completed 60 years. ** Completed 62 and unfit for further active service.

Detenu Somarendra Kishore Bhattacharjee.

*55. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact—

(*i*) that Somarendra Kishore Bhattacharjee, son of Babu Devendra Kishore Bhattacharjee, of Bhajahari Shaha Street, Dacca, was arrested on 1st December, 1933, and interned at Mamudpur village, police-station Nikil, district Mymensingh;

(*ii*) that Devendra Kishore Bhattacharjee left and abandoned his paternal homestead in Mamudpur village about 20 years ago and has settled down in Dacca;

(*iii*) that the said Devendra Kishore has no property, land or even a hut in the village of Mamudpur;

(*iv*) that Devendra Kishore Bhattacharjee has refused to bear the expenses of his son and treating him as an outcast;

(*v*) that Somarendra Kishore has been living on the charity of his separated widowed aunt with a slender income; and

(*vi*) that there is no room which the widow can spare for the internee?

(*b*) Is it a fact that Babu Devendra Kishore Bhattacharjee submitted a petition to the Government detailing the above circumstances and praying that Somarendra Kishore might be interned anywhere else?

(*c*) If the answer to (*b*) is in the affirmative, what steps are being taken in the matter?

(*d*) Are the Government considering the desirability of granting an allowance to the widowed aunt of Somarendra for his maintenance or of removing Somarendra to any other place of internment according to the choice of the Government?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*) Yes.

(*ii*) and (*iii*) Petitions have been received from the detenu's mother to this effect.

(*iv*), (*v*) and (*vi*) Government have no information on the point.

(*b*) No: Such a petition was received from the mother of the detenu.

(*c*) The petition was rejected.

(*d*) An allowance for the detenu has already been sanctioned with effect from the 1st November, 1934.

Mymensingh District Board.

*56. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state when the term of the present District Board, Mymensingh, comes to an end in the normal state of things?

(*b*) Are the Government considering the desirability of ordering a fresh election of the Board to give effect to the important and material changes affecting the interest of the minority communities made in the Local Self-Government Act?

(*c*) If the answer to (*b*) be in the negative, what are the reasons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*b*) and (*c*). The member is referred to the answer to (*b*), (*c*) and (*d*) of unstarred question No. 7 asked by Maulvi Abi Abdulla Khan at the present session of the Council.

Motor Vehicle Taxes realised in Dacca.

*57. **Rai Bahadur SATYENDRA KUMAR DAS:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay a statement on the table showing—

(*i*) the principles adopted in the distribution of proceeds of motor vehicles taxes, district by district, and the percentage of allotment to urban areas in proportion to the amount of motor license fees (taxes) realised in each district head-quarters;

(*ii*) the amount of such taxes realised through the Dacca Magistracy during the financial year of 1932-33; and

(*iii*) the respective ratio of distribution of the same to the Municipality of Dacca, and the District Board of the same place?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) The total amount available for distribution to districts excluding Calcutta is divided amongst them in the proportion which the amount collected in each district bears to the total amount available for distribution.

The allotment thus made to each district is divided in the ratio of 4:1 for metalled and unmetalled roads, respectively, and the amount available in respect of each of the above two classes of roads is then

distributed between the district boards and the municipalities within the district in proportion to their average expenditure on metalled and unmetalled roads.

(*ii*) Rs. 18,466.

(*iii*) The ratio between the amounts distributed to the Dacca District Board and the Dacca Municipality, respectively, in 1933-34 was 2:1.

Municipalities.

***58. Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the new Bengal Municipal Act, 1932, has been introduced in all the municipalities of Bengal?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the names of the municipalities that have been excluded and the reason thereof?

(*c*) Will the Hon'ble Minister be pleased to state the names of the municipalities which have been reconstituted under the new Act?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the names of the municipalities in which the proportion of appointed Commissioners has been increased under section 18 of the Bengal Municipal Act;

(*ii*) whether any labour or industrial constituency has been formed in any of these municipalities under section 18(*I*)(*i*) or 18(*I*)(*ii*); and

(*iii*) whether this system of special representation has been introduced on the representation of the municipalities concerned or at the Government's own initiative?

(*e*) If the answer to (*d*) (*ii*) is in the negative, what are the reasons therefor?

(*f*) Will the Hon'ble Minister be pleased to state the names of the municipalities in which reservation of seats have been made for the minority communities under section 19 of the Bengal Municipal Act?

(*g*) Is it in the contemplation of Government to reserve seats for minority communities in all the municipalities of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) Darjeeling and Kurseong. The Act is in force in all municipalities except those in Darjeeling district. Government are considering the question of extending the Act with suitable modifications to that district.

(*d*) A list is placed on the Library table.

(*d*) (*i*) A list is placed on the Library table.

(*ii*) No such constituency has been constituted under section 18(*1*)(*i*) of the Bengal Municipal Act, 1932. Section 18(*1*)(*ii*) has no reference to the formation of such constituencies.

(*iii*) The decision to increase the number appointed commissioners under section 18(*1*) in order to secure the representation of industry or of labour in each case was arrived at by Government after giving full consideration to the recommendations made by the local officers and in certain cases also to those made by the local bodies concerned.

(*e*) As the creation of industrial constituencies would have greatly delayed the reconstitution of municipalities under the new Bengal Municipal Act, Government decided to secure the representation of industry and of labour where necessary by increasing the number of appointed commissioners of municipalities under section 18(*1*)(*i*) on this occasion.

(*f*) A list is placed on the Library table.

(*g*) Yes, whenever this is necessary to give effect to the object underlying section 19 of the Bengal Municipal Act.

Mr. S. M. BOSE: With reference to (*b*), why has the Act not been extended to the Darjeeling district for the last two years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question particularly affecting the Darjeeling district requires consideration.

Mr. S. M. BOSE: Have the Government received any memorial on the subject?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Local Self-Government Department at least has not received any memorial.

Excise License Fees.

*59. **Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Excise Department be pleased to state whether the license fees of country liquor, *ganja*, or opium have recently been enhanced to a considerable extent and are being gradually increased since the last few years?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister aware of a feeling of hardship amongst the licensed vendors?

(*c*) Is the Hon'ble Minister also aware that under the fixed fee system excise licenses have been granted to a large number of educated persons in Bengal?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact that corruption and illegal sales have considerably decreased from the time the shops were settled with the educated people?

(*e*) Has the attention of the Hon'ble Minister been drawn to the fact that owing to the increment of cost price and license fees of the excise goods the vendors have very little margin of profit and that some of them are running their shops at a loss?

(*f*) Are the Government considering the desirability of instituting an inquiry into the matter and revising the license rate at an early date?

(*g*) Is it a fact that the excise vendors have deposited a large amount with the Government as their security money?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state the total amount deposited by the vendors now with the Government?

(*i*) Is it a fact that an interest is paid for this deposited amount?

(*j*) Are the Government considering the desirability of taking steps for payment of interest at a reasonable rate on the said deposited money?

MINISTER in charge of EXCISE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Some enhancement has been made in the scales of license fees during the current year. The last enhancement previous to this was made in 1928.

(*b*) A few petitions have been received from vendors against the recent enhancements.

(*c*) Yes.

(*d*) The settlement of shops with educated people has led to a decrease in illicit practice.

(*e*) No variation in the cost price of excisable articles during the last few years has affected dealers adversely, as such variation has always been accompanied by a corresponding increase or reduction in the duty or selling price.

The recent increase in the scales of the license fees has reduced vendors' profits. It is not known that some vendors are running their shops at a loss.

(*f*) The petitions of the vendors referred to in the answer to (*b*) above are under the consideration of Government.

(*g*) Yes.

(*h*) The figures are not readily available.

(*i*) No.

(*j*) No.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Bengal Medical Service, Upper and Lower.

14. Rai Sahib PANCHANAN BARMA: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state whether there is at present any vacancy in the cadre of the Bengal Medical Service Upper and Lower?

(*b*) If the answer to (*a*) is in the affirmative how many are there in the Upper and how many in the Lower service and the reasons why they are not being filled up?

(*c*) Are the Government aware of the complaint that such vacancies are causing inconveniences to the ailing public?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) There are two permanent vacancies in the Bengal Medical Service Upper cadre. There is no vacancy in the Bengal Medical Service Lower cadre. The vacancies have not been filled up as the question of retrenchment is under the consideration of Government.

(*c*) No.

Grant to primary school by union board.

15. Maulvi ABI ABDULLA KHAN: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) Whether it is a fact that the rules under the Bengal Village Self-Government Act do not authorise union boards to make any grant to any primary school except when the school is entirely run by the union board fund and is completely under the control of the union board?

(*b*) Is it a fact that about 95 per cent. of the union boards are not in a position to run these schools exclusively at their own cost?

(*c*) Is the Hon'ble Minister aware that it has become extremely difficult for the union boards to maintain primary schools in rural areas?

(*d*) Are the Government considering the desirability of instituting immediately an enquiry into this matter and of amending the rules so that union boards may be able to grant some monthly aid to primary schools in the union on a grant-in-aid system?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Neither the Bengal Village Self-Government Act nor the rules framed thereunder provide for the payment by a union board of any grant to a primary school which is not under its own charge.

(*b*) and (*c*) Government are aware that the funds at the disposal of union boards are generally speaking small. They are not, however, able to give a categorical answer to these questions as the reports which they receive on the working of union boards do not contain detailed information regarding finances of individual boards.

(*d*) Provision has been made in the Bengal Village Self-Government (Amendment) Bill, 1934, which has been introduced in the present session of the Council to take power for union boards to make grants-in-aid to all primary schools within their jurisdiction.

Process-serving in Sealdah Small Causes Courts.

16. Babu NACENDRA NARAYAN RAY: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the years 1932 and 1933—

(*i*) the total number of the processes of the Sealdah Small Causes Courts which were served by the Nazir of the Court personally; and

(*ii*) the total amount of money drawn by the said Nazir as travelling-expenses?

(*b*) Will the Hon'ble Member be pleased to state the reasons why these processes were not made over to the process-servers for service in the usual course?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) 1932—65. 1933—75.

(*ii*) 1932—nil. 1933—nil.

(*b*) These processes were not made over to process-server in pursuance of a standing order of the District Judge, 24-Parganas, a copy of which is laid on the table.

Standing order referred to in the answer to unstarred question No. 16 (b).

In the Court of the District Judge of 24-Parganas at Alipore.
Order No. 84.

The 19th December, 1927.

In modification of order No. 53, dated the 16th December, 1926, it is hereby ordered that writs of. . ...attachment of movable properties for Rs. 500 and upwards only should henceforth be served by the Nazir or a Naib Nazir, besides such processes which the court might specially direct them to serve owing to special difficulty. Writs of attachment below Rs. 500 should be served by the peons unless specially ordered otherwise by the courts.

This order will take effect from 1st January, 1928.

(Sd.) G. C. SANKEY,
District Judge.

Morning courts in Burdwan during summer.

17. Rai Bahadur SATYA KINKAR SAHANA: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that for the last few years the courts at Burdwan are being held in the morning during the summer;

(*ii*) that the litigants, the lawyers, ministerial officers and all who resort to the courts are put to inconvenience for the morning courts;

(*iii*) that since the beginning of British Rule the courts at Burdwan were being held during the day all round the year;

(*iv*) that no climatic change has taken place at Burdwan during a century; and

(*v*) that the system of morning courts was introduced without allowing the public to express any opinion?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of taking steps in the matter and removing the inconvenience to the public?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) and (*iii*) Early morning courts are being held at Burdwan every year since 1921.

(*ii*) No representation has been received by the High Court or by Government to indicate any such difficulties.

(*iv*) Government have no information on this point.

(*v*) The holding of morning courts at Burdwan was first allowed by the High Court in 1921 on a consideration of a representation received through the District Judge from the members of the Bar Association and other representative bodies throughout the district asking that morning courts might be held on account of the excessive heat during the hot weather. The system has been continued on letters from the District Judge received in every subsequent year in which he was asked for permission to continue the arrangement.

(*b*) Does not arise.

Praja Samities.

18. Kazi EMDADUL HOQUE: (*a*) Is the Hon'ble Member in charge of the Police Department aware that the meetings organised in connection with the Nikhil Bangya Praja Samity in the subdivision of Kurigram are being attended by the thana officers?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of issuing instructions to the said officers to help in the formation of Praja Samities in rural areas to prepare the field for the ready acceptance of the Jute Restriction Scheme?

The Hon'ble Mr. R. N. REID: (*a*) Certain meetings were attended by thana officers to see that there was no disturbance.

(*b*) No.

Kazi EMDADUL HOQUE: With reference to (*a*), was there any likelihood of a disturbance?

The Hon'ble Mr. R. N. REID: I am not aware of that. Steps were taken to avoid any chance of a disturbance. It was an elementary precaution.

Kazi EMDADUL HOQUE: With reference to (*b*), are the Government aware that the *Praja Samities* were first formed for carrying on jute propaganda, and have the Government any objection to it?

The Hon'ble Mr. R. N. REID: We have no objection if *Praja Samities* exist for the sole purpose of assisting in the jute propaganda work.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Does the Hon'ble Member mean that there will be objections if the *Samities* have other activities than the jute propaganda work?

The Hon'ble Mr. R. N. REID: It depends on what those activities are.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member aware that there are numerous *Praja Samities* which are branches of the *Nikhil Bangya Praja Samity* and they are looked upon as suspected bodies?

The Hon'ble Mr. R. N. REID: I am not aware of that.

Mr. SHANTI SHEKHARESWAR RAY: Is the policy of Government to discourage the *Praja Samities*?

The Hon'ble Mr. R. N. REID: It all depends on the purpose for which *Praja Samities* are established.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member aware that a deputation of the *Nikhil Bangya Praja Samity* was received by His Excellency the Governor?

The Hon'ble Mr. R. N. REID: No, I am not aware of that.

Maulvi SYED MAJID BAKSH: Are the meetings of these *Praja Samities* suppressed on mere suspicion?

The Hon'ble Mr. R. N. REID: No, Sir.

Khan Bahadur MUHAMMAD ABDUL MOMIN: What was the reason for sending a *thana* officer to attend this particular meeting? Was there any case which justified this step?

The Hon'ble Mr. R. N. REID: I presume the Hon'ble Member means a criminal case. Well, I am not aware of any.

Maulvi SYED MAJID BAKSH: Was there any report from any officer that there is likelihood to be a disturbance?

The Hon'ble Mr. R. N. REID: Not that I am aware of. As I have already said certain steps were taken to avoid the chance of any disturbance.

Process-servers.

19. Maulvi TAMIZUDDIN KHAN: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the special officer appointed to enquire into the working of the process-serving establishment has submitted his report?

(*b*) If the answer to (*a*) is in the affirmative, what action, if any, has been or is intended to be taken on the report?

(*c*) Do the Government intend publishing the report?

(*d*) Are the Government considering the desirability of asking the Process-Servers' Association to submit their views on the report?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) He has submitted his report to the High Court.

(*b*) and (*c*) No decision has yet been reached.

(*d*) No.

Alleged grievances of authors and publishers of Dacca.

20. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that two deputations of authors and publishers of Dacca had met the Hon'ble Minister jointly during his last visit at Dacca and placed before him certain grievances of theirs regarding the non-academic and commercial propaganda carried on by the All-Bengal Teachers' Association and the District Teachers' Associations and that the Hon'ble Minister assured the deputationists that he would take steps in the matter?

(*b*) If the answer to (*a*) is in the affirmative, what steps have been taken in the matter?

(*c*) If no steps have yet been taken, does the Hon'ble Minister intend taking any early and effective steps in the matter?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Yes. Two deputations were received and placed their grievances which related to the same matter before the Hon'ble Minister. One of the deputations subsequently withdrew their representation as an agreement had been reached between them and the All-Bengal Teachers' Association and it was understood that the dispute was over.

About the last week of November, however, a letter was received from the publishers stating that they had not been consulted and that they wished to press their grievances. The voluminous papers which they placed before the Hon'ble Minister are now being examined.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Was it necessary to interfere with the dispute between the teachers and the publishers and, if so, in whose interest?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Yes. In the interest of the publication of good books.

A process-server of Kurigram civil courts.

21. Mr. K. C. RAY CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that a process-server of the Kurigram civil courts in the district of Rangpur was prosecuted during the year 1933 on the strength of a police report that the report made by the process-server on a writ of warrant has been false?

(*b*) Is the Hon'ble Member also aware that the said process-server has been honourably acquitted?

(*c*) Will the Hon'ble Member be pleased to state what action, if any, has since been taken against the police official on whose report the prosecution was started?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) A process-server was called upon to show cause why he should not be prosecuted but there was no actual prosecution.

(*b*) His explanation was accepted.

(*c*) No action was considered necessary as the report was based on materials before the officer.

Boat hire for service of processes of Rangpur civil courts.

22. Babu HARIBANSA ROY: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing separately for the years 1932 and 1933—

(*i*) the amount realised from the litigant parties as boat hire for service of their processes in the civil courts of the Rangpur district;

(*ii*) the amount paid to the process-servers of boat hire for service of those processes; and

(*iii*) the amount refunded to the parties as unexpended boat hire in the different civil courts of the district?

The Hon'ble Sir BROJENDRA LAL MITTER: A statement is laid on the table.

Statement regarding boat hire referred to in the reply to unstarred question No. 22.

(*i*) 1932—Rs. 3,572-3. 1933—Rs. 3,188-12.

(*ii*) 1932—Nil. 1933—Nil.

(*iii*) 1932—Nil. 1933—Nil.

Duties of Legislative Department.

23. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Member in charge of the Legislative Department be pleased to state what are precisely the duties of the Legislative Department since the separation of this office from that of the Council Department?

(*b*) How far does the responsibility of the Legislative Department lie so far as the Bengal legislation is concerned?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Brojendra Lai Mitter): (*a*) A statement showing the list of duties of the Legislative Department is laid on the Library table.

(*b*) The Legislative Department which mainly does highly technical statutory drafting work for Government is responsible for drafting of those portions of Bills which are prepared by that department.

Sub-deputy magistrate, Kurigram.

24. Kazi EMDADUL HOQUE: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that before the sub-deputy magistrate, Kurigram, a case under section 428, Indian Penal Code, between Rahimuddin Bepari *vs.* Gendla Bepari was decided on the 18th November, 1933?

(*b*) Is it a fact that the magistrate in that case framed a charge under section 428, Indian Penal Code?

(*c*) Is it a fact that the value of the goat concerned in the case was found to be much below Rs. 10 as stated in the petition of complaint?

(*d*) Was any petition in that case filed for amendment of the charge?

(*e*) Was the said petition rejected?

(*f*) Is it a fact that—

(*i*) the accused wanted to file a petition under section 526, Criminal Procedure Code; and

(*ii*) thereupon the sub-deputy magistrate asked the defence mukhtear to forbear from that and gave assurance that he would acquit the accused and accordingly acquitted the accused?

(*g*) Is it a fact—

(*i*) that the said magistrate is a Treasury officer;

(*ii*) that on the last *tamadi* day he had received money from the vendors; and

(*iii*) that he left the headquarters without making arrangement for the delivery of court fees?

(*h*) Is it a fact that the Government have been duly informed of the matter and the Hon'ble High Court has also drawn the attention of the Government in that behalf?

(*i*) If the answer to (*h*) is in the affirmative, what action, if any, have the Government taken in the matter?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) to (*d*) Yes.

(*e*) It would appear that in view of the acquittal of the accused no formal order was passed.

(*f*) (*i*) A petition under section 526, Criminal Procedure Code, was filed on 18th November, 1933. It was ordered on the petition "No objection if bond is filed" and a further order on the same date "No bond filed. File."

(*ii*) Does not arise.

(*g*) (*i*) Yes.

(*ii*) Money tendered for court-fee stamps was accepted by the Sub-Treasury officer.

(*iii*) He left the headquarters on urgent duty intending to return before the close of the day, but he met with an accident and could not do so.

(*h*) Yes.

(*i*) Steps have been taken to prevent recurrence of such incident.

Kazi EMDADUL HOQUE: With reference to (*g*) (*iii*), under what urgent duty was the officer called away from the headquarters?

The Hon'ble Sir JOHN WOODHEAD: I am afraid I do not know.

Kazi EMDADUL HOQUE: Is the Hon'ble Member in a position to deny that the officer had gone to Chilmari to oblige a friend by accepting his invitation?

The Hon'ble Sir JOHN WOODHEAD: I am sure I do not know.

Kazi EMDADUL HOQUE: What was the nature of the accident that he met on the way?

The Hon'ble Sir JOHN WOODHEAD: I do not know.

Babu JITENDRALAL BANNERJEE: Is this an answer to the question, Sir? Certain definite information was asked for——

Mr. PRESIDENT: That is no question.

Babu JITENDRALAL BANNERJEE: In point of fact, certain information was asked and the answers contained no such information at all.

Mr. PRESIDENT: The best way to elicit information is to put a supplementary question.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member in a position to deny that the Sub-Deputy Collector gave the assurance mentioned in question (*f*) (*iv*)?

The Hon'ble Sir BROJENDRA LAL MITTER: From the information in my possession, I submit that the answer given in the printed paper is an answer to this question. I have nothing further to add.

Kazi EMDADUL HOQUE: With reference to (*h*)(*i*), what steps have been taken to prevent such occurrences in future?

The Hon'ble Sir BROJENDRA LAL MITTER: The attention of officers has been drawn to this inconvenience and it is expected they will see to it that such things are not repeated.

Kazi EMDADUL HOQUE: Is the Hon'ble Member aware that similar instances have taken place even after the attention of officers has been drawn to this by the High Court?

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, accidents will happen in the best regulated families. (Laughter.)

Dacoities in Bengal.

25. SETH HUNUMAN PROSAD PODDAR: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing the number of dacoities in Bengal during the years 1928-29, 1931-32, 1932-33 and 1933-34?

(*b*) Are the Government considering the desirability of calling and laying on the table information concerning the number of dacoities in the other provinces during these years?

(*c*) Will the Hon'ble Member be pleased to state the number of dacoities per million people in Bengal?

(*d*) How many of the dacoities in Bengal during the last three years are classed as "political" dacoities and how many are due to other causes?

(*e*) Will the Hon'ble Member be pleased to state from the reports in his possession whether it is a fact that the number of political dacoities is declining?

The Hon'ble Mr. R. N. REID: (*a*), (*b*) and (*c*) A statement is laid on the table.

(*d*) and (*e*) If by "political" dacoities is meant dacoities committed by terrorist or revolutionary gangs, the following are the figures:—

1931—25 (including 2 cases of attempt and 1 of preparation).

1932—52 (including 2 cases of preparation).

1933—19 (including 1 case of attempt).

Statement referred to in the reply to clauses (a), (b) and (c) of unstarred question No. 25.

Number of dacoities reported in Bengal (excluding the Presidency town of Calcutta).

Year.	Dacoities.
1928	804
1929	780
1930	1,465
1931	2,025
1932	1,880
1933	1,507

N.B.—The figures which are for calendar years include false, mistake of fact and non-cognizable cases.

Number of dacoities reported in other provinces.

	1930.	1931.	1932.	1933.
Bihar and Orissa	442	640	512	399
Bombay (excluding Sind)	279	284	220	157
Madras	250	306	280	235
United Provinces and Oudh	789	1,114	1,216	836
Punjab	205	208	215	141
Assam	82	120	104	111

N.B.—The figures for 1928 and 1929 are not available.

Number of reported dacoities per million people in Bengal (excluding the Presidency town of Calcutta).

17·6 in 1928.	43·8 in 1931.
17·09 in 1929.	38·6 in 1932.
32·1 in 1930.	30·9 in 1933.

SETH HUNUMAN PROSAD PODDAR: Why is the number of dacoities in Bengal more than that in other provinces.

The Hon'ble Mr. R. N. REID: I suggest that the Hon'ble Member should exercise his powers of arithmetic on the statement.

Visiting hours in Calcutta hospitals.

26. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether it is a fact that in Calcutta hospitals, friends and relatives are allowed to see patients only once a day between 5 to 7 p.m.; and

(*ii*) whether it is also a fact that formerly such visits were allowed twice a day?

(*b*) Are the Government considering the desirability of taking steps to allow friends and relatives to pay such visits twice a day, once in the morning and once in the evening?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) There is no uniformity in visiting hours in force in the various state hospitals in Calcutta. Some hospitals only allow visits in the afternoon, but in the Campbell Hospital, both morning and evening visits are allowed, and in the Sambhunath Pandit Hospital any number of visits may be made between 11 a.m. and 5 p.m.

A statement showing visiting hours in the various state hospitals in Calcutta is laid on the table.

(*ii*) The present practice in respect of each hospital is the same as that followed in the past.

(*b*) Government are considering the desirability of making the visiting hours uniform for all the State hospitals in Calcutta as far as practicable.

Statement showing visiting hours in Calcutta State hospitals referred to in the reply to clause (a) (i) of unstarred question No. 26.

1. Medical College Hospitals—5 p.m. to 7 p.m.
2. Carmichael Hospital for Tropical Diseases—5 p.m. to 7 p.m. 4 p.m. to 7 p.m. on Sundays.
3. Presidency General Hospital 5 p.m. to 7 p.m. in the open wards. 5 p.m. to 6-30 p.m. in children's ward.
4. Campbell Hospital—11 a.m. to 12 noon and 5 p.m. to 7 p.m.
5. Sambhunath Pandit Hospital—11 a.m. to 5 p.m.
6. Voluntary Venereal Hospital, Alipore—1 p.m. to 3 p.m.
7. Albert Victor Hospital for the treatment of leprosy—3 p.m. to 6 p.m. during winter. 4 p.m. to 7 p.m. during summer.

Note.—In 1, 2, 3 and 7 relatives are permitted to see patients at any time under special circumstances.

Khas mahal tenants of Cox's Bazar.

27. Haji BADI AHMED CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) of the erosions of the embankments raised by individual efforts at mauzas Sabrang and Shahaparidip, police-station Teknaf, Cox's Bazar;

(*ii*) of the constant and general failure of crops in the said mauzas;

(*iii*) that a large number of khas mahal Muslim tenants of the aforesaid mauzas have already migrated into the different parts of Arakan; and

(*iv*) that the rest are in miserable distress?

(*b*) Is it a fact that such migration will result in a loss of Government revenue to the extent of Rs. 11,000 annually according to the estimate of the local authorities?

(*c*) If the answer to (*b*) is in the affirmative, what steps are the Government proposing to take in the matter?

(*d*) Will the Hon'ble Member be pleased to state what arrangement, if any, the Government intend making for the construction of the said embankments at mauzas Sabrang and Shahaparidip?

(*e*) Are the Government considering the desirability of starting relief works for giving some immediate help to the starving khas-tenants, in accordance with the letter of the local authorities?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Certain embankments at Sabrang and Shahaparidip were washed away.

(*ii*) Repeated damage to crops is reported.

(*iii*) Yes.

(*iv*) Most are poor and some are in difficulties.

(*b*) There is reason to fear that Government revenue may fall to this extent.

(*c*) and (*d*) There is a proposal to construct an embankment along the sea coast and Naf river at an estimated cost of Rs. 50,000. The matter is now under consideration of Government.

(*e*) Distress is not at present so acute as to necessitate relief works. The situation is being watched by the local officers.

Penalty for arrears of revenue.

28. Haji BADI AHMED CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the assurance given by the late Sir Provash Chunder Mitter (Revenue Department) for taking a penalty of Rs. 2 only per hundred for arrears of revenue at the time of realisation of the same, is being acted upon?

(*b*) Is the Hon'ble Member aware that in certain districts the penalty is being realised at a higher rate?

(*c*) Are the Government considering the desirability of issuing instructions to all the Collectors not to take more penalty than Rs. 2 per hundred?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) The assurance was that Government were willing to fix the penalty at a nominal figure, say 2 or 3 per cent. This has been done. Except in cases which the Collector believes to be due to wilful default, only a nominal penalty is demanded, which does not ordinarily exceed 2 per cent., but a certain amount of discretion is left to Collectors in these matters.

(*b*) No.

(*c*) No. Suitable instructions have already issued.

Enhanced rate of rent in Bakarganj Char Fashon khas mahal.

29. Maulvi MUHAMMAD HOSSAIN: Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that the Government have, in mauza Char Fashon under the Bakarganj khas mahal, enhanced the rate of rent;

(*ii*) that many of the tenures were previously advertised for sale for inability of the tenants to pay the former rate of rent under Act XI of 1859; and

(*iii*) that there was a feeling of grievance amongst the tenants over the original rate of rent on account of the worldwide agricultural depression and fall in the price of growing crop?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) Yes, in 1933-34.

(*ii*) No. Only 2 out of 65 were advertised in 1932-33 and 3 in 1931-32.

(*iii*) No. The enhancement was only to Rs. 4-6 per acre from rates of Rs. 4-1 and Rs. 4-4. Rs. 4-6 per acre is a low rate of rent, even under existing conditions.

Middle class unemployment.

30. SETH HUNUMAN PROSAD PODDAR: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that the middle class unemployment in Bengal is very acute; and

(*ii*) that it is increasing year after year?

(*b*) Are the Government aware of a widespread opinion that is held that the existence of a large class of educated and unemployed young men is a menace to the stability of the Government and the economic structure of the province?

(*c*) Have the Government any figures concerning the extent of the middle class unemployment in Bengal?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister lay on the table the said figures?

(*e*) If the answer to (*c*) is in the negative, are the Government considering the desirability of collecting statistics regarding the magnitude of the unemployment problem in Bengal at present?

(*f*) Have the Government under consideration any measures to deal with the middle class unemployment in Bengal?

(*g*) If the answer to (*f*) is in the affirmative, what are those measures?

The Hon'ble Nawab K. G. M. FARUQUI, Khan Bahadur: (*a*) (*i*) Yes.

(*ii*) Government have no evidence to this effect.

(*b*) Government are aware that the opinion is held.

(*c*) and (*d*) The hon'ble member is referred to paragraphs 309-318, Chapter VIII, Part V, of the Census Report, 1931, Volume V, and to subsidiary table VII appended thereto.

(*e*) Does not arise.

(*f*) and (*g*) Government have initiated measures to reduce unemployment by giving training in various forms of industry and agriculture and by offering financial assistance to those who are desirous and competent to start independent businesses of their own.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to (*a*) (*i*), what are the facts on which this reply is based?

Mr. J. D. V. HODGE: Sir, it is common knowledge.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to (*a*) (*ii*), have not the Government got sufficient material to give a definite reply to this question?

Mr. J. D. V. HODGE: No, Sir.

Middle class unemployment.

31. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether any statistics are compiled of the extent of unemployment among the educated middle class people?

(*b*) If the answer to (*a*) be in the negative, are the Government considering the desirability of urging the Bengal Board of Economic Enquiry or any other agency to go into the matter and publish the results of these investigations regularly?

The Hon'ble Nawab K. G. M. FARUQUI, Khan Bahadur: (*a*) None beyond those given in the Census Report, 1931.

(*b*) Government have considered the matter but are not of opinion that such an investigation would be of practical value.

Sub-Deputy Magistrate, Kurigram.

22. **Kazi EMDADUL HOQUE:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the Sub-Deputy Magistrate at Kurigram always records confessions of the accused persons within closed doors and that none is permitted to be present there?

(*b*) Is it a fact that the local Mukhtear bar twice submitted representations to the District Magistrate and also waited upon him during his last visit to the Kurigram town to lay the aforesaid and other grievances before him?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Yes. The orderly of the Sub-Deputy Magistrate is usually permitted to be present inside the room.

(*b*) Yes, but the aforesaid alleged grievance about the recording of confessions was not represented to him.

Mr. MUKUNDA BEHARY MULLICK: Is there any rule for preventing anyone from being present in the room in which confession is recorded?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not aware of any rule, but it is most undesirable.

Mr. MUKUNDA BEHARY MULLICK: Why was not a member of the legal profession allowed to be present at the time?

The Hon'ble Sir BROJENDRA LAL MITTER: It is not the question of not being allowed. It is a question of fact that no lawyer was present.

Maulvi SYED MAJID BAKSH: Why was not a less important person than the orderly of the Sub-Deputy Magistrate allowed to be present?

The Hon'ble Sir BROJENDRA LAL MITTER: A frivolous question calls for no answer.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. Is it for the Hon'ble Member to decide whether a question is frivolous or not, or is it for you to decide that?

Mr. PRESIDENT: Why did the questioner yield to him? He did not press his question.

Importation of jute into Germany.

33. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Is the Hon'ble Member in charge of the Commerce Department aware that the German Government have reduced the import of jute into Germany?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, have the Government taken to meet the situation caused by this reduction?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) and (*b*) The importation of raw materials and semi-manufactured goods into Germany is subject to control in accordance with orders issued by the German Government. The import of jute is governed by those orders. The imports of raw jute into Germany during the 3 months, July to September, 1934, were considerably less than during the corresponding period of the year 1933 but slightly greater than during the corresponding period of the year 1932. The Government of Bengal have taken no action in the matter.

Realisation of cess in Chittagong.

34. Haji BADI AHMED CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) what is the amount of cess assessed on the district of Chittagong during the present valuation; and

(*ii*) what was the amount of cess assessed before the present valuation?

(*b*) Is it a fact that the late Sir Provash Chunder Mitter, the then Revenue Member, remitted 10 per cent. of the assessed cess of the Chittagong district, for the economic depression and fall in price of the food-crops in the district?

(*c*) If so, did the Government correct the *tauzi* accordingly and realise the cess at the reduced rate?

(*d*) Is the Hon'ble Member aware—

(*i*) that the *aus* paddy in Chittagong has been destroyed by insect; and

(*ii*) that the condition of the district has become worse?

(*e*) Are the Government considering the desirability of realising cess in Chittagong district at the reduced rate, till the condition of the country improves?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Rs. 2,93,000.

(*ii*) Rs. 2,51,967.

(*b*) For the year 1933-34 only, Government and the District Board, Chittagong, reduced by 12½ per cent. the rate of public works cess and road cess.

(*c*) Yes.

(*d*) (*i*) No.

(*ii*) No, except in certain areas affected by flood.

(*e*) No.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Why is the same concession not shown now with regard to the realization of cess as was shown by the Hon'ble Member's predecessor?

The Hon'ble Sir BROJENDRA LAL MITTER: It is difficult to answer that question. All I can say is that the condition of the district has been under the special observation of Government. We are getting frequent reports from local authorities, and whatever steps are necessary to give adequate relief are being taken.

Ministerial officers of Bakarganj civil courts.

35. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing the present number of ministerial officers, Hindu and Muslim separately, in the civil courts in the district of Bakarganj?

(*b*) Will the Hon'ble Member be pleased to lay on the table another statement showing, year by year, for the last three years—

(*i*) how many vacancies occurred; and

(*ii*) how many of them were filled up by Muslims?

(*c*) Is it a fact that in some cases the vacancies were caused by the death or retirement of Muslims but filled up by Hindus? If so, why?

(*d*) Will the Hon'ble Member be pleased to lay on the table a statement showing the present number of Hindus and Muslims in the following:—

(*i*) Higher grade,

(*ii*) Nazarat (Sadar),

(*iii*) Judge's and Additional Judge's Courts, and

(*iv*) Subordinate Judges' Courts?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*), (*b*) and (*d*) A consolidated statement for (*a*), (*b*) and (*d*) is laid on the table.

(*c*) No: does not arise.

Statement referred to in the reply to unstarred question No. 35 (a), (b) and (d) regarding the ministerial officers, Hindu and Muslim, in the civil courts in the district of Bakarganj.

(*a*) Hindu—106. Muslim—39.

(*b*) (*i*) (*ii*)—

Year.	No. of vacancies.	No. filled up by Muslim.
1931	21	10
1932	5	3
1933	4	1

(*d*) —

	Hindu.	Muslim.
(*i*)	17	2
(*ii*)	5	1
(*iii*)	22	6
(*iv*)	5	1

Grain and Drachm Weight Measure.

36. Rai Bahadur JOGESH CHANDRA SEN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it has come to his notice that some grain and drachm weight measure glasses that are now sold in the market are not up to the standard or accurate?

(*b*) If the answer to (*a*) is in the affirmative, what immediate steps, if any, are being taken in the matter?

(*c*) Is it not a fact that any difference in weight or measure used in serving prescriptions or otherwise may cause accident and even death?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No report has been received by the Surgeon-General or by Government to the effect that the grain and drachm weight measure glasses now sold in the market in this province are not up to the standard or accurate.

(*b*) Does not arise.

(*c*) Government are not aware of any case or accident or death resulting from a difference in weight or measure used in serving prescriptions. In very exceptional cases untoward results might occur owing to such difference when potent drugs of a high degree of toxicity are used.

Rai Bahadur JOGESH CHANDRA SEN: Will the Hon'ble Member be pleased to ask the Surgeon-General to make another search in his office to find out whether he has received any representation from any district board?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Last year one such representation was received and Government made an inquiry.

Rai Bahadur JOGESH CHANDRA SEN: In the answer it is stated that there is not sufficient information, but now the Hon'ble Minister admits that at least one representation was received——

Mr. PRESIDENT: You cannot argue. You are not putting any question, Rai Bahadur.

NON-OFFICIAL BUSINESS.

Special Motion under section 78A.

The discussion on the special motion was resumed.

Joint Parliamentary Committee Report

Babu JATINDRA NATH BASU: The Joint Committee's Report is a piece of earnest and painstaking work; it has laid down the framework for a new constitution for this country. The question that arises in connection with any new constitution is, as to whether it satisfies public sentiment in the country, for which the constitution is intended, and whether the constitution is a workable constitution. So far as satisfying the public sentiment in India is concerned, it must be admitted that the decisions of the Joint Committee have failed to evoke any enthusiasm and have not met with widespread acceptance. The principal ground on which the people in this country have not accepted the Report with enthusiasm is due to the fact that it does not lead India to a position higher than what she occupies now amongst the various countries that constitute the British Commonwealth of Nations. Under the Report, India continues to occupy a lower place. The Declaration of the British Government in 1917, the Preamble to the Government of India Act of 1919, all pointed to a state of things when Indians might feel that their country was politically on the same level as the other component parts of the British Empire. But while the Preamble of the Montagu Act definitely stated as to what the objective was, the Joint Committee's Report is silent as to what the status of India is ultimately going to be. It must have appeared to the British Government during the last 7 years of discussion of Indian constitutional reform that there was no difference of opinion amongst the

various creeds and classes in India, Hindus and Muhammadans, princes and peasants, that they keenly felt this lower status, and unless that grievance is removed, no amount of mere workable constitutions such as that is now intended to be under the Joint Committee's Report will satisfy India. The Joint Committee discusses the problem, quotes the Preamble to the Government of India Act of 1919, but stops there and does not go further. I earnestly urge upon all concerned with the final legislation to recognise that fact. There is no doubt the view held that Indians cannot immediately exercise all the powers and functions which the self-governing dominions possess. But if the status is laid down and at the same time the stages to reach it are also laid down, it will give widespread satisfaction throughout the country and is likely to reconcile even the irreconcilables. It is easy to say that it is no use trying to reconcile the irreconcilables, but those that have watched the growth of political agitation in India during the last 50 years must have noticed that this sense of being considered to be of an inferior nationality and of standing on a lower plane in relation to the other component parts of the British Empire has caused such grave dissatisfaction that discontent has spread to very wide limits and is now widespread throughout the country. Even a suitable and workable constitution is difficult to work with the mentality which has been allowed to grow. This is about that aspect in the Report which deals with the status it confers on India. We see that it is no advance at all on the status that India now possesses.

The next point is whether the new constitution is likely to be workable. So far as the Centre is concerned, an attempt has been made to introduce responsibility but only partially. The form of dyarchy laid down for the Centre is such a new, peculiar and expensive form that it is difficult to forecast as to whether it is likely to work successfully or not. Reference has been made by some of the previous speakers to the financial handicap which the responsible side of the Government will be faced with at the Centre. It has been said that nearly 80 per cent. of the revenues that will be raised will be earmarked for the subjects reserved to the Governor General and the responsible Ministers will be expected to function with only 20 per cent. of the Indian revenues. We can all understand what kind of functioning it will be and what satisfaction they will succeed in giving to the people of this country. It is like throwing a man into deep water with his hands and feet tied. In framing the new constitution the financial aspect of it was no doubt brought to the notice of the Joint Committee as shown in the findings of the Percy Committee and in Mr. Layton's note appended to the Report of the Simon Commission. But it appears that all those views were simply brushed aside. New commitments have been undertaken, and apart from the increase of expenditure that the new constitution will involve by reason of larger Legislatures, larger Secretariats, we have the creation of new provinces which has

been decided upon and expectation is held out that after a generation those provinces may not probably be in need of the subventions that are now intended to be given to them. But calculations like these sometimes miscarry. The Sukkur Barrage may not turn out to expectations and other provinces like Orissa may also find that they are not in a position to carry on unless they continue to be helped from outside. And there is one important feature which the Joint Committee neglected to note, and that was the separation of Burma. The separation will take away a very large slice out of the revenues of India. How is the deficit to be made up? The Joint Committee is silent about it. They think that what is needed afterwards can be squeezed out of the people and ought to be squeezed in order that the system which they have laid down may be established. That is a thing which we cannot look at with equanimity.

As regards the subjects reserved to the Governor General, one is Defence. Apart from the financial aspects of the question about which there has been a standing grievance of the people of this country, the question of Indianisation is one which is felt very keenly throughout this country. The question of Defence is one that primarily concerns our own people. During the Great War India was denuded of nearly the whole of her effective fighting units. Of course we had some Territorials and His Highness the Maharaja of Nepal kindly lent a part of his army to guard the frontiers and so on, but, Sir, it is lucky that the course of the war went in such a way that this country was in any event safe from direct invasion. But the insecurity of the situation was felt by the people, who knew that they had not had the opportunity to train themselves for the protection of their hearths and homes. It is one of the keenest grievances felt by them. The British Government looks on and the Joint Parliamentary Committee looked on too. We earnestly trust that circumstances like those of the Great War will not happen again, but if they do happen, and there are low rumblings here and there at Singapore, towards the Far East, and other places and with India disarmed and untrained to defend herself, we the people of India cannot stand with folded hands and look on while the Joint Committee recommends that there is no certainty as to when India will be fully entrusted to train to defend herself. Every careful student must have noticed that during the last Great War many peoples who had no great reputation as belonging to the martial races gave a very good account of themselves when confronted with disaster.

(The member having reached the time-limit was allowed five minutes more to conclude his speech.)

Then as regards commercial discrimination, the recommendation of the Joint Committee goes far beyond what was thought of either by the

Royal Commission or by the White Paper. Their decision is that if the Governor General thinks that any legislative or administrative measure is likely to lead to what, according to him, was discrimination, he will have the power to disallow the measure. He will have his own advisers, apart from the ministers to instruct him, and he will have to act under instructions from Whitehall. It is no doubt good from the point of view of one party to have a measure like that, but if you look at facts, you will see whether measures like that have been of any use. In the latter part of last century in order to help Manchester you had the excise duty on cotton manufactured in India. That continued for nearly a quarter of a century, but there was the sentiment in India that they had a grievance and the duty had been imposed in order to hurt the growth of India's industry. What was the result? It did not help Manchester. Forty years ago, going through the Indian bazars, you would have found people keen on buying British goods. What is the state of things to-day? By the Joint Committee's proposals you want to perpetuate the state of things which may drive British merchandise out of Indian markets. A good part of it has already been driven out during the last 40 years. That is not the way to proceed in the matter. So far as India is concerned she has already adopted the policy living and letting live. If the matter were approached in a spirit of mutual trust and confidence, things would have been different, but the Joint Committee would not have it. The merit that is claimed on behalf of the new scheme is that it gives partial responsibility to the Centre and autonomy to the provinces. The words "provincial autonomy" are profusely used in the Joint Committee's Report. You will not find the words "Dominion status" anywhere in it. What is the kind of provincial autonomy that you are going to have? You have legislative powers given to the Governor. The Governor is one who is the apex of the State. No one ever says that he should not have the power of suggestion or veto, but the Joint Committee, in a greater measure than the system now in force, has by their Report brought the Governor as one of the officers of the administration. Is that an advance from the present state of things? Further, under the present system you cannot have a nominated member of the Legislature as Minister. The Governor or whoever is behind him—the Secretary of State or the British Parliament—may appoint a member of the Executive Council, but under the proposed system the Governor appoints the Minister. The Ministry has no joint responsibility and the Governor will have the power to appoint a member of the Legislature as Minister. It should be noted that in the Upper House there will be some members who will be nominated under the scheme of the Report. There is that clear and open defect which will mean in some respects a going back on the present system.

(The member having reached the time-limit had to resume his seat.)

Maulvi ABUL KASEM: Sir, last evening Mr. Thompson, the leader of the European group, laid down the principle that these discussions serve no useful purpose beyond the fact of registering the considered opinion of particular groups in this House. I entirely agree with him and am glad to be able to say that in his very admirable speech Khan Bahadur M. A. Momin, the *de facto* or *de jure* leader of the Moslem party has very clearly, concisely and lucidly registered the opinion of the Moslem community not only of this House, not only of the constituencies, but I believe of the educated and sensible Moslems, if not of the entire Moslem population of Bengal. I will not therefore trouble this House with the repetition, in a worse form and in a bad language, of what he said, but I will only refer to one or two matters which he skipped over. One of them is the Upper Chamber. He said that we object to the Upper Chamber. I say emphatically that an Upper Chamber will be of no earthly use beyond the fact that it will be against the democratic sense of the people. We have been told here that Bengal has been treated badly by the Meston award and we have heard complaints and justifiable complaints that our finances are crippled. I may remind this House that on the inauguration of the Reforms under which we are working the people of Bengal had to tax themselves and tax themselves very badly for carrying out the ordinary business of the Government. I think on the inauguration of the Second Chamber—of course it may look very grand and we may say that we have got a House of Commons and a House of Lords—it will be a more elaborate and expensive Government the expenses of which the country's finances are not able to meet. Secondly, of what use will that Upper Chamber be? (A VOICE: What about the other countries?) I am reminded of other countries, but in this country the Governor will have exceptional and extraordinary powers to which reference has been made from all sections of the House as safeguards, and I think safeguards are necessary, not only necessary but absolutely necessary. As Mr. Thompson pointed out yesterday, in many countries in Europe and even in the United States of America the people are drifting from Democracy to Dictatorship. We have to wait and see but at the same time to prevent a collapse some safeguards are necessary and those safeguards under the Joint Committee's Report are placed in the hands of the Governor. What then the Upper House will do? It will do nothing of utility. It will be purely an ornamental body. As regards the territorial magnates to whose speeches we listened yesterday evening, they are particularly jubilant over the fact that the Permanent Settlement has been made secure for them. Sir, I do not represent anybody, but I can say that my own opinion is that the Permanent Settlement is to a large extent responsible for the non-advancement of Bengal. (RAI BAHADUR KESHAB CHANDRA BANERJI: Question.) An unelastic revenue from land—and land is the only source which gives the largest amount of revenue and that too in the

largest quantity—is a thing unheard of not only in this country but in Europe or elsewhere. Sir, no less a personage than the late Gopal Krishna Gokhale of revered memory has said that Bengal's greatest misfortune, why their people cannot go into commercial and industrial enterprises, is the Permanent Settlement. (RAI BAHADUR KESHAB CHANDRA BANERJI: What is the position in the Punjab?) I will leave it at that for the time being.

Sir, then there is the controversial matter of the unfortunate Communal Award. Since the publication of this Communal Award, my friends and countrymen, who are represented by hon'ble members on my right, have opposed it; and the agitation against it has become intense and acute, since the renewed activities of the Congress and political parties in this country. Sir, my friend Mr. S. M. Bose declared yesterday in this House that the results of the elections to the Indian Legislative Assembly have clearly shown that the Hindus of Bengal are definitely opposed to this Communal Award and that they feel a grievance over it. I admit, Sir, that, so far as the elections go, his reading of the situation is correct. I will go further and say that, so far as the Hindus of Bengal are concerned, they not only oppose the Communal Award but resent it; but they must view the question from our point of view as well. In the first place, Sir, the Communal Award does a great injustice to the Mussalmans of Bengal. (CRIES OF: "Hear! hear!") Bengal is one of the two major provinces in India where the Mussalmans are in a minority, so far as the present representation is concerned. But Bengal is the province in India which has the largest Muslim population. Above all, Sir, Bengal is the province where the bread-winners and the earning members of the families are composed of 80 per cent. of Mussalmans, but Bengal Muslims have been treated badly in the past and are still being neglected and treated worse at the present moment.

Sir, Bengal is the only province where the majority has been placed in the position of a minority. (BABU JITENDRALAL BANNERJEE: Why omit the Europeans?) If I omit the Europeans and the Hindus, we shall be in the absolute majority. As I was saying, Bengal is the only province where the majority has been reduced to the position of a minority. We have a grievance, a sore grievance, in this matter on this point; but we have not shouted against it and we have not cried against it. The reason is very simple and apparent. The Prime Minister of England told the Hindu and Mussalman delegates at the Round Table Conference to go back to their homes and to meet the different members and leaders of their communities and to come to a settlement amongst themselves. And he promised furthermore that he would incorporate the settlement in the legislative measure that would be placed before Parliament. Our countrymen have met, talked and discussed time and again but nothing came of these discussions and

meetings. The mountains were in labour, but they did not even produce a mouse. There was no alternative left to the Mussalmans but to refer back the matter to the Prime Minister and then to abide by his award. The Prime Minister had no alternative but to make his award and he did so; unfavourable though it was to the Mussalmans of Bengal, they had to bow their heads to it and to accept it, because they failed to come to an agreement with the Hindus. They had no face to tell the Prime Minister that he was wrong or unfair to them. Above all, it was—if a layman like myself may say— a case of *res judicata*. Having asked him to arbitrate, we could not go back upon it. (CRIES OF: "No, No.")

Sir, in the course of the speech of Khan Bahadur M. A. Momin, to which I listened with pleasure and profit, the Khan Bahadur had a fling at the Lucknow Pact. As the only member here present who was a party to that Pact, I have to say that that Pact was made not for the purpose of provincial autonomy, or for the purpose of a responsible government in the provinces. It was intended to pave the way for securing responsible government. We said that whatever might be the demands, let the people living on the banks of the Ganges and the Buriganga have peace and prosperity, and to proceed further; and when the time came to place our case. It must be said to the credit of those who were not only members of that Pact but worked the Minto-Morley Reforms that from the beginning of the new constitution which was then inaugurated, Hindu and Mussalman members of the Bengal Legislative Council worked together without any communal bias and worked happily; and so far as the non-official members were concerned they worked hand in hand. It was the publication of the Montagu-Chelmsford Report which gave a glimpse of power and authority and that led people, who had never raised their little finger in the cause of public interests, to jump into the arena. And what is more by crying all sorts of slogans they swept the polls and captured the Legislative Councils and all the public organisations. After that they wanted to tread the Mussalmans under their feet. The result was that the Hindu-Mussalman question became very acute and distressing. Under the Lucknow Pact, we the Mussalmans were very small in number in the Council as compared with the Hindus, but we were happy, because we found that the Hindu members, of which Babu Kishori Mohan Chaudhuri was one, always sympathised with us and always tried to help us. What do we find now? Even now we find not only here but in the country outside an agitation carried on which is almost sure to cause a disruption of the whole body politic.

Sir, my friend, Mr. J. N. Gupta, in his speech yesterday made a very fervent and eloquent appeal to the Mussalmans to be generous to their Hindu neighbours and asked them to share the spoils if I

may say so. In the first place, I may say that that appeal and that eloquence are rather too late. The Prime Minister has said that this Award of his is always subject to correction and modification if only Hindus and Muhammadans would agree to come to a settlement. To-day we find great Hindu leaders saying that they condemn the Award lock, stock and barrel. Yes, we condemn it. But in regard to this Award there is a cleavage of opinion amongst the two wings of our nationalist friends. I ask: Has anybody ever tried to influence, to conciliate and win over the Mussalmans? That they have not done; but they have tried by persistent vocal denunciations to secure what they want, and that not at the pleasure or with the concurrence of the Mussalmans.

Secondly, Sir, they have been emboldened to do so, because in the past the British Cabinet, and what is more significant, and both the Writers' Buildings and Delhi have succumbed to these vocal denunciations and denouncements and have unsettled many a settled fact. My friends want even now the Prime Minister to unsettle the settled fact of the Communal Award—I mean no offence to my Hindu friends. But it is no good shirking matters. The Hindus of Bengal have all along had the monopoly of power, patronage and influence. Writers' Buildings have always had a soft corner in their hearts for these people. Therefore, they smell danger in this Communal Award——

(At this stage the member having reached the time-limit, resumed his seat.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, within the limited time at my disposal, I do not think that it will be possible for me to deal with even some of the important questions arising out of the Report of the Joint Parliamentary Committee. In the circumstances, I will prefer to confine myself to three or four points which are of great importance. Sir, I will begin my observations with the remark that I endorse every word of my friend and leader, Mr. Jatindra Nath Basu, about the status of India. The absence of any reference to Dominion Status has been undoubtedly a ground of grievance and a serious grievance to us. India has been led to believe that our goal is Dominion Status. We have sincerely believed it. I hope that in the finance state of the legislation it will be possible for Parliament to introduce provisions for Dominion Status in the Statute; so that the suspicion may be altogether dispelled. It will bring peace and contentment and will encourage Indians to work the constitution in a much better spirit.

Sir, I will now deal with the most important point, namely, Provincial Autonomy with Safeguards. Any impartial critic of the

constitution will admit that, whatever its shortcomings may be, it is a tremendous advance on the existing constitution. The electorate is going to be enlarged, the number of voters is going to be much larger than what it is to-day: the total number of voters, Hindus and Muhammadans in this province, is nearly 13 lakhs, and its number is going to be at least 80 lakhs, if not more. I should say that it is a tremendous advance. Moreover, the crux of the constitution as overshadowed in the White Paper and the Joint Parliamentary Committee's reports is complete transference of responsibility to the Legislature, complete transference of power to the Ministers responsible to the Legislature. Sir, if this is not responsible government, I do not know what responsible government is. Sir, the next point is safeguards. There is a feeling that hedged round with safeguards, the power of the Minister will be very much limited, and there will be no real transfer of power to the Ministers. I venture to submit that there is no genuine ground for such a misgiving. No Governor will like to exercise his powers of safeguards if the constitution is worked honestly and sincerely. He will only step in when he finds that the Ministers are not playing the game, or the Legislature is trying to bring about a dead-lock, or the exercise of his special responsibilities is necessary in the interests of minorities or a particular section of the community in the province. The use of these special responsibilities and powers of the Governor will depend considerably on the personality of the Ministers and on the way in which the constitution is worked. Sir, compared with the power of the Crown in England, these safeguards are very small, but what has led to the wearing away of those powers? They are now regulated by Parliament, but are not based on any written constitution. The whole arrangement is based on convention. What was based on convention has gradually, through a process, a long process of evolution, come to be regarded as the law of the land. Sir, in the colonies, the authority of the Crown used to be exercised by a division of responsibility between the Colonial Ministers, the Colonial Legislature, the Colonial Judges, the Imperial Parliament, the Imperial Government, and the Judicial Committee of the Privy Council. Gradually there was the wearing away, the relaxation of control by the Imperial Parliament and the Imperial Government in favour of the Colonial Ministers responsible to the Colonial Legislature. That was the process, but it was never attempted to bring about the change in favour of the Colonial Legislature or in favour of the Colonial Minister through a written constitution. The whole system evolved gradually and slowly over a number of years, and I am perfectly certain that if this constitution is worked in a true spirit, that is going to be the inevitable consequence. Here also, if the Ministers co-operate, if the Legislatures co-operate, if the Hindus and Muhammadans co-operate and the Europeans co-operate, the time will come

when these safeguards, these special responsibilities of the Governor, will be mere paper responsibilities. There will be no room absolutely for their exercise.

Sir, the Colonial Conferences of 1887, 1894, 1897, 1902, 1923, 1926, 1930, and, finally, the Statute of Westminster to which assent was given by His Majesty only in December, 1930, secured for the colonies absolute autonomy in internal matters. I hope these facts will not be lost sight of. It is true that there is a considerable amount of misgiving about these safeguards, and the strongest criticisms have been levelled against the Report of the Joint Parliamentary Committee, or the constitution foreshadowed in the White Paper because of these safeguards, but in these matters we must not be guided purely by political theories. We cannot blink at facts. We must profit by the experience of other countries. So the Dominion Status of to-day is the result of evolution, and not of a written constitution which cannot be relaxed or developed. The powers of the Governor, especially with reference to his special responsibilities, are very general, so there is ample room for the growth of healthy convention and it will depend on the Governor, on the Ministers and on the Legislature, to help the growth of such a healthy convention. I pin my faith on the businesslike method and sagacity with which my countrymen and the representatives of the Crown who might be sent out from England with wide experience of public life there, will help the growth of that healthy convention.

The next important point with which I will deal is the Communal Award and the Poona Pact. Sir, this is a vexed question, but I must say that the Hindus of Bengal feel thoroughly dissatisfied because of the Communal Award and the Poona Pact——

Rai Sahib PANCHANAN BURMA: Not all Hindus, but the caste Hindus.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I stand corrected, Sir, the Hindu intelligentsia of Bengal will have no opportunity of co-operating or working——

Maulvi TAMIZUDDIN KHAN: Are the scheduled caste Hindus excluded from the intelligentsia?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I leave it to Mr. Tamizuddin to draw his own inference. Even if they want to work the constitution honestly and wholeheartedly, they will not have the opportunity of doing so. The Poona Pact is certainly an infliction of Mahatma Gandhi on the Hindus of Bengal. The whole country was compelled to suspend conscience by a threat of starvation, and the caste

Hindus were coerced to reticence about the merits of the Pact. In the interest of all concerned, in the interest of my friends opposite—I mean the depressed classes—I would request them to meet us half-way —in the interest of the province, in the interest of the upper class Hindus, in the interest of the depressed class Hindus, in the interest of the Muhammadans as well—there should be an adjustment. You cannot run this constitution smoothly so long as this sore remains there.

Now I come to the question of the indirect election to the Central Legislature. It is true that everybody on principle will welcome direct election to the Centre, but we cannot ignore realities. The constituencies are going to be enormously big, almost unweildy, and it will be difficult for anyone, whatever the length of his purse might be, to stand as a candidate for election to the Centre if the election were direct instead of being indirect. On that ground, I would rather welcome the change which has been suggested in the Report of the Joint Parliamentary Committee.

Sir, finally I would venture to observe that the Resolution that was passed by the Working Committee of the Congress at Patna recently, deciding to reject the constitution, appears to me very disappointing and very discouraging from the point of view of the constitutional advancement of the country. Sir, when the Congress decided to give up the civil disobedience movement as a part of its programme for attainment of Swaraj, it was expected that barren opposition, sterile opposition, was at an end, and the Hindus and the Muhammadans, the Congressmen and the Liberals would join hands and march shoulder to shoulder to that goal, the Dominion Status, and will settle down to work the constitution wholeheartedly, in the true spirit. Sir, we now hear of the summoning of a constituent assembly for drafting a constitution. Such an attempt was made through the Nehru Report——

(At this stage, the Hon'ble Minister reached his time-limit, but was allowed by the Hon'ble President to finish his speech.)

Sir, such an attempt was made through the Nehru Report, but that draft of an agreed constitution suffered shipwreck on the rock of communal dissensions. It may be reasonably apprehended that no better results would follow a fresh attempt in that direction. So, what I think will be the most prudent course for all of us is to give up that spirit of opposition, and if the working of the constitution is the only way of attaining political salvation, it is much better that it should be worked in a true spirit of co-operation and not antagonism. Let us turn a new leaf because we have learnt by experience—the experience of the last three years has taught us—that the path of

revolution—and I am glad to say that the Congress has rightly retraced its step back from that path—is dangerous. Sir, even in the lifetime of the present constitution, it has been proved beyond doubt that the provinces which worked the constitution, to-day stand fitter to shoulder greater responsibilities, they are in a better position to claim responsible government than the provinces that have neglected it or tried to wreck the constitution through sterile opposition. I hope the Congress will reconsider its decision and follow the policy that was advocated by such great leaders of the Congress as the late Sir Surendranath Banerjea, Dadabhai Naoroji, Ananda Mohan Bose and Lord Sinha and other giants of the Indian National Congress.

Sir EDWARD BENTHALL: I desire in the first place to give my fullest support to the views put forward by Mr. Thompson yesterday on the subject of the Poona Pact, and also on the subject of the financial settlement of Bengal. I will not deal with the former because there is nothing that I can add to his statement. The latter, however, is a subject which I think cannot be too often emphasised. It is clear from the speeches in this House that public opinion is entirely with Government in their fight for a proper financial settlement for this province. The Europeans go further than that. They consider that an adequate financial settlement is an essential prerequisite for the success of the Reforms in this province and they would view the future with grave apprehension if adequate finances are not forthcoming. We shall lose therefore no chance of pressing this matter. As to the means by which the object is to be attained, Mr. Thompson has mentioned several of them. With regard to the income-tax, the allocation of the portion of the income-tax to Bengal, the industrial provinces have claimed for some time with great insistence that they should have their due share. This must not be allowed to drop, but it is recognised, however, that at the present moment it is impossible for the Central Government to allocate elsewhere a substantial portion of this head of revenue which is of vital importance to them in balancing their own budget and no exception under this head can be specially claimed for Bengal. But it is hoped that we shall receive considerable assistance from the remission of our accumulated debts which have accumulated through no fault of our own, and it is hoped that if the restriction of jute is successful, a rise in prices will result in increasing the revenues under more than one head. But I think that the source of revenue upon which we must mainly rely is the allocation to Bengal of the whole of the jute tax, not a portion of it but the whole of it, on the principle that it is due to us by right. We recognise, of course, that it may be necessary to return a portion of it to the Centre at the beginning, but I think we should press for this and for nothing less. If, however, Government desire to follow any other line, I would say at once that, provided the object is attained, I will give them the

fullest support in whatever measures they desire to press, and I am certain that this House will be unanimous with them.

I would now seek to make one or two observations on a few points which have been criticised by my Indian friends since this Report was published. The first point is the question of direct or indirect election to the Federal House of Assembly. On this point there is a very honest difference of opinion as to what is right, as to what is practicable and as to what is likely to result in a successful federation. The whole question is that nothing more and nothing less, although I am aware of the existence of a deep sentiment among Indians on this question. I would recall the fact that at the Round Table Conferences European opinion first of all expressed itself strongly in favour of indirect election, but when further facts were brought forward by our Indian colleagues we were much impressed by their arguments and we were swayed by them and eventually we decided that, as the sentiment for direct election was so strong amongst them, we would not object to the principle of direct election. But the pendulum has swung again; the majority of the Joint Select Committee supported indirect election. At this stage I think we are inclined to agree with the majority for their arguments are certainly cogent, although we admit that the arguments on the other side also are extremely cogent and we think that the best thing to do now is to accept the majority view and see how it works.

Then, as regards the interval which must necessarily occur between the inauguration of provincial autonomy and the inauguration of federal responsibility, I myself have incurred criticism in the past for saying that the inherent circumstances of the case must necessitate an interval between the two. But European opinion goes further than that. It feels that it is essential that the provinces must be set up on a sound basis before federal responsibility is inaugurated. It seems to me that that is the only common-sense point of view. It seems to me that only a lunatic would think of building an upper storey before building the lower storey; that is against all the principles of construction. But we should be extremely apprehensive if undue delay took place, because I feel that the result of it would be a sort of government which might easily be unworkable. In this matter of Reforms in general the Europeans may have been slow in making up their minds, but having once made up their minds, they now desire that the scheme should be pushed through as a whole without undue delay and without timidity. If it is found at some future stage that there are failures in the provinces or, if other circumstances arise to cause a difference of opinion as to whether it is desirable to go ahead immediately with federal responsibility, we shall differ openly and shall not descend to the method adopted by some of the aristocracy at home and intrigue against the government to impede the progress of your country. If those people succeed, I for one should be profoundly disquieted, because I believe that the Joint Committee's scheme will work though I should have grave doubts of the

success of the Reforms if the princes did not come into the federation. But I have little fear of that happening. From my personal knowledge of the character of the Ministers who are advising many of the principal States—men for whom I have the greatest veneration and respect—I have the fullest belief that they will advise their rulers to proceed with the scheme, and I am certain that the rulers themselves will not resile from their own considered views.

Then as regards commercial discrimination, I am glad to take this opportunity to record again our very great appreciation of the very large measure of support for our just claims which was accorded to us at the various Round Table Conferences from the Muhammadans spontaneously and generously, and from the Hindus more guardedly, but none the less welcome for that reason. Since the publication of the Report I have found here and there a suggestion that the British merchants intend to use these clauses to their own advantage and to the detriment of Indian trade. That, Sir, is not in accord with the history of recent years and there is no ground whatsoever for that supposition. The record of the non-official British business community shows that in recent years they have endeavoured on every occasion to support the just aspirations of Indians for the development of their industries. In particular, I will quote the instances of the Sugar Bills and Steel Bill, and I do not think that the people of Bengal would deny the fact that we have done our best in recent years to help along the economic prosperity of this province. I can assure the House that we shall not misuse the safeguards so generously given, for we realise that generous treatment merits generous return.

Now, Sir, as regards what Mr. J. N. Basu and Sir Bijoy Prasad Singh Roy have said about India's goal. I should have thought that the reassurance of His Excellency the Viceroy last night, his clear and courageous profession of faith, should have restored some confidence to them. His Excellency stated that his goal was "a complete position of equal partnership within the Empire with the other Dominions under the Crown." That has also been the goal of all the European non-official leaders with whom I have had to deal during the progress of discussions concerning Reforms during the last few years, and I venture to say that it is the goal of all Europeans of good-will in this country. I would remind the two speakers of the words of the Archbishop of Canterbury, who, speaking in Parliament the other day, said, "the goal once set cannot be withdrawn," and those of Mr. Baldwin that "all pledges will be honoured," and I will ask my friends to abide in patience. If there is any difference between me and my Indian fellow-subjects on this question it is only one of method and speed. I will paraphrase the words of an author, unknown to me, by saying "I share their aspirations for Utopia but they are going across the clouds and I am going there across the land." This constitution which is proposed is a new experiment,

and I would remind those who wish to proceed by the aerial route that when for the first time a man goes up on an experimental plane with little experience of the responsibility of driving a machine, it is not unusual that he should be subject to dual control, a control which the experienced pilot will relax whenever the newcomer gains confidence, experience and skill.

Lastly, it is clear now at this stage that there will be no very large change from the Joint Committee's Report, and in 15 to 18 months it is evident that we shall have provincial autonomy in this province. Reforms if they are to be successful will mean a great deal of preparation, and I would counsel my fellow-members of this House to spend the interval in constructive work, for I look forward under the new constitution not to any sort of communal government but to a government in which all the best elements of the province will combine. The atmosphere to-day for such a change of outlook is favourable. I have been struck since the publication of this report not by the unanimity of vocal disagreement with regard to the proposals, for that was to be expected, but I have been surprised at the quiet recognition of the large amount of responsibility proposed. The time for bickering for seats, for personal or group advantages is now past. Instead of being irresponsible critics over a large range of subjects, within 15 or 18 months, or whatever the time may be, this House will have thrown upon it the power to rule for good or evil a population which is four and a half times that of Canada and eight and a half times that of Australia. I wonder whether some of those who may have the responsibility of undertaking those duties, may not sometimes shudder to think of the terrible possibilities of failure and whether they are not thankful in their hearts that this dual control has been incorporated. In 18 months—18 months is a short time—the Government may change, but the problems will not change. The people are waiting here to be led by their leaders and one wonders at the moment what those leaders are doing to work out their policy for putting into operation when that responsibility is thrown upon them. I would counsel them to spend the interval in working out a constructive programme in every sphere—in the economic sphere, in the educational and medical spheres. Mr. S. C. Mitter has recently published a valuable broad review of the economic problems and what is wanted now is a close examination of the more promising lines covered by him and the working out of a definite practical policy. Mr. J. N. Gupta yesterday asked what Hindus will take office if the Communal Award is not altered? I think I can whisper to him the names of one or two leaders who might be tempted by the lure of office, but we do not want the front benches to be occupied by office-seekers. We want, that the front benches should as now be occupied by people who have something to offer to Bengal, people who have worked out a constructive programme, and to whatever party occupies those benches with a constructive programme I can assure the support of the European group.

Babu AMULYADHAN RAY: Mr. President, Sir, before dealing with the motion now under discussion, I like to clear up the issue regarding the Poona Pact clouded by my hon'ble friend Rai Sahib Sarat Chandra Bal who remarked yesterday that the All-Bengal Depressed Classes' Federation, the only organisation of the scheduled castes in this province registered under section 26 of the Indian Companies Act, and recognised by the Government of Bengal, have expressed their opinion "to join hands with the caste Hindu leaders to modify the Poona Agreement" and "the proposal for a reduction in the number of reserved seats is not an unwelcome proposal, provided the caste Hindu leaders approach the Federation and recognise the legitimate and equitable demands of the depressed classes." I must at once submit that the Rai Sahib had not authority to make that statement on behalf of the scheduled castes, and I am perfectly sure he did not say this seriously with a full sense of responsibility. All the members of this Council, elected or nominated, representing our community, were taken aback by his remarks, and we at once issued a statement over our signature to the Press diassociating ourselves with them. The Federation have never expressed an opinion to join hands with the caste Hindus for modification of the Pact, and I as Secretary of that body boldly submit that the remarks of Rai Sahib Sarat Chandra Bal are based on ignorance of the proceedings of the Federation. So far as I remember the Bengal Scheduled Castes' Conference at their second session held under the auspices of the Federation and presided over by Rai Sahib Panchanan Barma resolved that they fully supported the Poona Agreement.

Now in all politeness I want to make it perfectly clear and wish it to be most clearly understood that the scheduled castes of Bengal are not at all prepared to lose a single seat allocated to them under the Poona Pact, firstly because the number of seats are much less than what we are entitled to on the basis of population, secondly because the Minorities Pact recommended 37 or 36 seats by separate electorate in a house of 200, thirdly for want of sincerity and good-will on the part of the caste Hindus having an idea of monopolising all the political power, privilege and advantage in the name of nationalism, and fourthly they are not at all serious excepting influencing the authorities by the backdoor. I openly make this declaration that we are most desirous of an agreed settlement should such happily be forthcoming, but no step to that settlement should be taken on the assumption that the number of seats should be reduced and any negotiation regarding modification of the Pact must begin by mutual agreement with open mind on the lines of separate electorates.

Sir, many side-issues carried me far away from the real issues before the House. I confess my inability to criticise the Report of the Joint Select Committee in detail or suggest its improvement in all material points within the time at my disposal, but I am bound to say as a

representative of that community, commonly known as the depressed classes, that the Report of the Parliamentary Committee, an historical document of great importance no doubt, is more discouraging and disappointing than the White Paper which, though falls far short of the legitimate claims and demands of the scheduled castes, is undoubtedly better in some respects. While fully realising that safeguards are necessary for the protection of minorities, I feel much obliged to say that the future Indian Ministers will be hedged by the barbed wire of innumerable unnecessary restrictions with over-weight pressure of the Governor at the top and the uncontrolable services at the bottom. Falling between these two pressures, the Ministers we are going to have under the new constitution are likely to be crushed away. On the other hand the extension of franchise, the transfer of law and order and the political recognition of the depressed classes as a community are undoubtedly a great improvement on the present constitution; but whatever might be the defects, the scheduled castes can adopt no other course of action than their policy, namely, "first accept and then agitate constitutionally for more."

With these general observations I now come to some of the details. It is a matter for congratulation that the Joint Committee have not conceded to the blusterings of a very small section of the people regarding changes in the Communal Award. The Committee deserve our sincere thanks for they have fully realised any change without the agreement of the communities concerned will create political turmoil in India the disastrous results whereof it would be difficult to conceive and have rightly come to the conclusion that "there is among almost all the communities in India not excepting the caste Hindus a very considerable degree of acquiescence in the Award in the absence of any solution agreed between the communities." Perhaps, Sir, it may not be out of place to submit a few words about the false notion sought to be created by Mr. S. M. Bose against the Award on account of the recent success of the Congress Nationalist Party in the election to the Legislative Assembly by the general constituencies. Let me openly declare to-day on the floor of this House that the Congress Nationalist Party is more dangerous to our interest than the Parliamentary Board and their success in the election is no verdict of the country against the communal decision which is looked upon by 90 per cent. of people of the land in the absence of any agreement as the solemn pledge of Great Britain from which there can never be any turning back. The depressed classes, who were neither consulted nor approached, did not take part in the election as it was rightly pointed out by Rai Sahib Panchanan Barma in his presidential address while presiding over the second session of the Bengal Scheduled Castes' Conference held at Bongaon on the 7th and 8th October last under the auspices of the All-Bengal Depressed Classes Federation that "looking

to the parties putting forward their candidates it seems that the scheduled castes cannot support any about to come to the election field." The present Legislative Assembly is not an Assembly of the people as the Montagu-Chelmsford Scheme did not enfranchise more than 99½ per cent. of the population who had no voice in the election. The last election fought on the basis of separate electorate was an election by several municipalities and towns where the so-called caste Hindus preponderate and the whole countryside, where the real voice is to be found, did not practically take part in the matter. On the other hand, the last Assembly election is a living testimony for special protection of the depressed classes in the absence of which in the present constitution, the Congress, be it the Nationalist Party or the Parliamentary Board or the Hindu Mahasabha, became so much blind in their choice that they could not find out any candidate for election from the scheduled castes in the whole of India. In order to create an atmosphere of good-will and mutual confidence, they could not offer a single seat to our candidates even on our demand in writing to test their sincerity, though in the near future they will be compelled to tolerate all the seats allocated under the Poona Pact. Even Mahatma Gandhi, not to speak of Sir P. C. Roy, informed me of his intention in writing to keep the depressed classes outside the "political arena" of the Assembly election.

Sir, as a reference has been made by Mr. S. M. Bose to what has been said by the Marquess of Zetland, I strongly feel it my duty not to leave this aspect of the question without any remark to the erroneous conclusions drawn by the Marquess of Zetland, better known in Bengal as Lord Ronaldshay. What has been expressed by the Marquess of Zetland is based on ignorance of the actual state of affairs in Bengal. The depressed class problem did not come to the forefront when he was at the head of the province, and he had no opportunity of coming in contact with our real views. I emphatically submit that the Joint Committee, no less the Government of India and the authorities in Bengal, are responsible for this wrong conclusion. They invited witnesses after witnesses from amongst the caste Hindus without giving us any opportunity to submit our case before the Committee. In Bengal the number of the depressed classes is not so small as the Marquess was led to think. The untouchability in Bengal may not be so acute as in the south, but it is so extensive in this province as it cannot be found anywhere in India except the United Provinces. Then, Sir, I would like to submit before this House another point. The depressed classes are in complete agreement with the Joint Committee's view that the original proposals in the communal decision were more advantageous; and this view has been confirmed by the recent attitude of the caste Hindus towards the Poona Pact who cannot respect their own action and their words. I would therefore most humbly urge upon Parliament that if they do away with the communal award without

mutual agreement, it would mean a breach of the British word of honour which has acquired a traditional respect and esteem throughout the world.

Sir, it is regretted very much that the Joint Committee have recommended the creation of a Second Chamber which Bengal did not want at all. The establishment of an Upper House is the negation of democracy and against the interests of the people who will be unable to bear the burden of this House of Luxury. However, if a Second Chamber is at all created against our will, the representatives of the depressed classes in the future Legislative Assembly will be so hopelessly small as to provide the necessary quota to secure their representation in the Upper Chamber except by chance or accident. Moreover, the franchise qualification being too high, they have no chance to get representation through direct election. I therefore respectfully appeal to Parliament that the composition of the Upper House being based upon the same principle as the communal award, the depressed classes should be given four reserved seats out of the ten seats directly elected from the general constituencies in which only the qualified voters other than Moslems and Europeans will be entitled to vote and a special provision should be made for their franchise in this connection.

Sir, the method of election to the Council of State and the Federal Assembly as proposed in the White Paper was much better than the recommendations of the Joint Committee, which are harmful to the depressed classes. Whatever little chance of representation was therefor the scheduled castes in the Council of State has been taken away by the authors of the Joint Select Committee's Report. The Upper Chamber having no representatives of the scheduled castes on the grounds submitted before they will be unable to secure election of their candidates to the Federal Upper House. The Joint Committee have committed a mistake in recommending indirect election to the Federal House of Assembly and have thereby absolutely endangered the genuine representation of the scheduled castes in that body——

(At this stage the member having reached the time-limit had to resume his seat.)

The Hon'ble Sir JOHN WOODHEAD: Sir, the recommendations of the Joint Select Committee in regard to Federal Finance follow very closely the proposals on that subject in the White Paper. In so far as the provinces are concerned, there are only two changes. First, the White Paper proposed that the amount out of the provincial share of the yield of taxes on income, which the Federal Government should be entitled to retain, should remain constant for three years, and should thereafter be reduced gradually to zero over a period of seven

years. The Joint Select Committee recommend that it would be preferable to leave the determination of these actual periods of three and seven to be determined by an Order in Council, rather than to fix them by the statute itself.

The other change is in regard to the provincial surcharge on taxes on income. The White Paper proposed that the provinces should be empowered to impose a surcharge on the taxes levied on the personal income of persons resident in the province. The Joint Select Committee take the view that, on the whole, such a power would not be desirable.

Sir, as regards income-tax, the White Paper recognized that the provinces have a just claim to a share in the proceeds of taxes on income. The Joint Select Committee, also, take the same view; and, subject to the two changes, to which I have just referred, they accept the scheme put forward in the White Paper. But, Sir, they consider that an early distribution of any substantial part of the taxes on income is improbable. In their view the Federal Centre is unlikely, at least for some time to come, to be able to spare much, if anything, by way of fresh resources for the provinces, apart from the pressing needs of deficit areas. Sir, several members have expressed concern at that view. We, also, view with considerable concern the possibility that it may be impossible to allocate from the outset to the provinces a substantial part of the ultimate provincial share in this important source of revenue.

Even at the last settlement it was recognized that the provinces, particularly the industrial provinces, were entitled to a share in the proceeds of the taxes on income. Devolution Rule 15 was framed with the object of giving them such a share, but, unfortunately, it failed to give the relief for which it was specially designed. And, we in Bengal have received nothing from that source since the introduction of that Devolution Rule. Some witnesses before the Joint Select Committee stressed the point that it would not be fair to provinces, such as Bombay and Bengal, that the transfer of the provincial share of taxes on income should be delayed. Sir, we share that view and consider that in justice to the industrial provinces, in particular, a substantial portion of the provincial share of the income-tax should be allocated to the provinces from the inauguration of the new constitution. The White Paper envisaged a financial inquiry at the last possible date to review, in the light of the then financial and economic conditions, the probable financial position of both the federation and the provinces. The Joint Select Committee consider that that is a suitable procedure, and we trust, Sir, that that inquiry will ensure that some portion of the provincial share of the income-tax is allocated to the provinces from the outset.

Sir, as regards the jute export duty, the position under the Joint Select Committee's Report is unchanged. The Committee recognize

that Bengal has suffered severely under the existing plan of allocation of revenues and endorse the proposal contained in the White Paper that the obligatory assignment to the jute-producing provinces out of the jute revenue should be, at least, one-half. Sir, we welcome this further recognition of the inequitable character of the present settlement and the endorsement of the justice of our claim to a share in the jute export duty. But our attitude towards that duty remains unchanged. We still maintain that the jute duty should be a provincial source of revenue, although we recognize, as we have always recognized, that it may be necessary to make for a limited period some contribution from this source to meet the necessities of the Centre.

We presume, Sir, that a final decision on the actual quantum of this compulsory assignment will be taken after the conclusion of the financial inquiry, to which I have already referred. At that inquiry we shall certainly make every endeavour to establish our claim to a larger share than one-half.

Sir, we have always considered it of great importance—and several members have referred to this—that the new Government in Bengal from the inception of the reformed constitution should not be loaded with a mass of unproductive debt. It has been recognized that Bengal's difficulties are due to the present inequitable settlement, and we have persistently urged that it is appropriate that steps should be taken to rectify the injustice of the past and to compensate Bengal for the drain to which she has been subjected. The view we have always taken is that an adjustment to cover the difference between receipts and expenditure on revenue account, which has been the feature of these years of economic depression, political unrest, and severe curtailment of constructive services, would be a modest form for that compensation to take. Sir, we still maintain that view. And in this regard, may I quote from the last Budget speech of the Hon'ble the Finance Member of the Government of India? When speaking on this question of the settlement of Bengal's financial position he haid as follows:—

"Further inquiries will have to be made before any such settlement could be reached, nor can it be reached until the constitutional plan is determined by the British Parliament. There are several difficult points involved, amongst which I must mention the treatment of the debt which has already accrued against Bengal as a result of Budget deficits which have been incurred since 1930."

In conclusion, Sir, may I say this? I have studied the Report of the Joint Select Committee with considerable care and, so far as I can see, there is nothing in the recommendations which will prevent full justice being done to Bengal's claim to an equitable financial settlement.

Mr. PRESIDENT: I am glad to be able to tell the House that His Excellency the Governor, under the powers vested in him by section 18 of the Rules and Standing Orders of the Bengal Legislative Council has been pleased to allot Saturday, the 22nd December, 1934, for the disposal of the motion now before the House. The Council will meet on Saturday at 10 a.m. and not 10-30 a.m. I hope members of the House will be here at that time. (A VOICE: How long will it sit?)

Mr. PRESIDENT: As usual up to 1-30 p.m.

Adjournment.

The Council was then adjourned till 10 a.m. on Saturday, the 22nd December, 1934, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Saturday, the 22nd December, 1934, at 10 a.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 78 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Government revenue demand.

*60. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing the total amount of annual revenue due to Government—

(*i*) from all permanently-settled estates as land revenue;

(*ii*) from the Forest Department;

(*iii*) from Government fisheries (if any); and

(*iv*) from income under the head "Irrigation"?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*i*) The total amount of annual revenue due to Government during 1933-34 was Rs. 2,15,31,443 (current demand).

(*ii*) There is no fixed demand. The gross receipts were Rs. 15,02,561 and the expenditure Rs. 14,42,183, the net surplus being Rs. 60,378 in 1933-34.

(*iii*) Rupees 3,500 is the approximate annual demand.

(*iv*) Rupees 1,39,958, in 1933-34 (actual receipts).

Maulvi ABDUL HAKIM: With reference to answer (*ii*) why is the net surplus so small?

The Hon'ble Sir BROJENDRA LAL MITTER: The surplus is the difference between gross receipts and the expenditure. It is pure arithmetic.

Zilla School, Bankura.

*61. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that there are three high English schools in the town of Bankura, the collegiate school, the Hindu school and the zilla school;

(*ii*) that the collegiate school and the Hindu school have, very lately, been removed to newly-built spacious buildings in the college compound and are in the easternmost part of the town;

(*iii*) that the collegiate school and Hindu school have got two sections in all the classes;

(*iv*) that the two schools accommodate about 1,200 students;

(*v*) that there is accommodation for the whole number of students for secondary education in the town in the collegiate and Hindu schools; and

(*vi*) that the number of students in the zilla school is decreasing and is between 250—300 at present?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of starting a boarding school for the secondary education of girls by converting the Bankura zilla school into such an institution and by utilizing the present running cost of the zilla school?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) (*i*) Yes.

(*ii*) Government are aware that the collegiate school has been moved to the college compound but they did not know that the Hindu school had been similarly accommodated.

(*iii*) Government did not know that every class had two sections.

(*iv*) No: they estimated the accommodation at 850.

(*v*) No: this does not accord with Government's information.

(*vi*) 295 students were on the rolls on March 31st, 1934. The figures for recent years do not bear out the suggestion that the numbers are decreasing.

(*b*) On the information now before Government, the question does not arise. Up to date information, however, is being obtained and the matter will be reconsidered in the light of such information.

Primary education.

*62. **Rai Bahadur SATYENDRA KUMAR DAS:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the various amounts spent by the Government, district by district, for the cause of primary education, year by year, since 1932?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The collection of these figures would involve considerable time and labour and Government regret that they cannot undertake their compilation. A statement showing the total amount spent in the province as a whole is, however, laid on the table.

Statement referred to in the reply to starred question No. 62.

1931-32—Rs. 26,73,876.

1932-33—Rs. 26,40,194.

1933-34—Rs. 26,20,453.

Maulvi SYED MAJID BAKSH: Why is there a progressive fall in the expenditure?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is a matter of statistical history; and in view of the financial distress the position explains itself.

Maulvi SYED MAJID BAKSH: Are we to understand that in spite of this fall primary education is not suffering?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The fall is only by a few thousand rupees and so the suffering, if any, is not much.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister please see that in the coming year the expenditure is increased under the head of primary education?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I will try my best, but the Finance Member is the ultimate deciding authority.

Certificate officers.

*63. **Maulvi NURAL ABSAR CHOUDHURY:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that there is a circular of the revenue board that for only one year's rent certificates should not be issued?

(*b*) Were certificates issued by the certificate officers of Chittagong, for one year's rent only?

(c) If the answer to (b) is in the affirmative, how many of such certificates were issued for 1933 and how many for 1932?

(d) Are the Government considering the desirability of having certificate officers appointed from the judicial line?

The Hon'ble Sir BROJENDRA LAL MITTER: (a) No.

(b) Yes, in the case of tenants who were believed to be withholding payments wilfully.

(c) 531 and 405, respectively.

(d) No.

Text Book Committee.

*64. **Rai Bahadur KESHAB CHANDRA BANERJI:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether his attention has been drawn to certain charges against the Bengal Provincial Text Book Committee?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether any enquiry has been made into these allegations; and

(ii) what is the result of the said enquiry?

(c) Is it a fact that the text books are prescribed on the recommendation of the Text Book Committee?

(d) Has the Director of Public Instruction any special powers to select books?

(e) If the answer to (d) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing for each year since 1930 the number of books approved by the Director in exercise of his special powers?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (a) No.

(b) Does not arise.

(c) and (d) The prescription of the text books is the duty of the Director of Public Instruction who is assisted in this work by the Text Book Committee, an advisory body.

(e) A statement of the numbers of books approved by the Director in addition to those recommended by the Text Book Committee is laid on the table.

Statement referred to in the reply to clause (e) of starred question No. 64.

1930—Nil.	1932—Nil.
1931—20.	1933—12.

1934—38.

Rai Bahadur KESHAB CHANDRA BANERJI: Has the attention of the Hon'ble Minister been drawn to certain specific charges published in the columns of the *Amrita Bazar Patrika* and *Advance* some time ago?

Mr. PRESIDENT: I do not allow that question, because you seem to rely entirely upon certain reports that appeared in newspapers. I may allow that question if you make yourself responsible for accuracy of the statements you refer to.

Text Books.

***65. Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state how many text books have been approved for 1935?

(*b*) Are the number of text books approved for in 1935 larger?

(*c*) If so, will the Hon'ble Minister be pleased to state the special reasons for the increase in number?

(*d*) What factors are taken into consideration in selecting members for the Text Book Committee?

(*e*) Is the selection made purely on merit or for any other reasons?

(*f*) Is it a fact that non-Indian Christian missionaries and teachers of science are appointed respectively examiners in Geography and Bengali literature?

(*g*) Have more books been approved in each subject than the number originally fixed since the reorganisation of the Committee in 1930?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*i*) How many books condemned with Gamas by the members of the Sub-Committee have been approved by the Director of Public Instruction this year?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) Six hundred and eighty-six text books have been approved for use in certain subjects for a period of four years from January, 1935.

(*b*) and (*c*) No comparison is possible with earlier years as the subjects for which books are examined are different in each of the years of a four-year cycle.

(*d*) and (*e*) Suitability for the work to be done.

(*f*) It is.

(*g*) Yes.

(*h*) The original number limit of books to be approved for each subject and class has been raised.

(*i*) Government are not prepared to give confidential information of this character.

*66. **Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the Department of Education devised in 1934 the scheme of imposing upon the publishers a fee per book (Rs. 12 up to class VI and Rs. 15 for higher classes) submitted for approval;

(*ii*) that the same was done on the distinct understanding that the selection of books would be made after a thorough and careful examination by experts who would be paid adequately so as to be inspired with a real sense of responsibility; and

(*iii*) that there were long-standing grievances of authors and publishers in this direction?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, what is the total amount of receipts from such levy since its inception?

(*c*) Is it a fact that the Sub-Committee composed of experts drew up a short list after three months' labour?

(*d*) Is it a fact that in previous years the business of the general meeting was merely to accord their formal approval to the recommendations of the Sub-Committee?

(*e*) Is it a fact that this year the general meeting passed a resolution authorising the Director of Public Instruction to exercise his discretionary powers to bring up the number of approved books for each class to the statutory maximum?

(*f*) Is it a fact—

(*i*) that a special committee was set up to assist the Director of Public Instruction in the exercise of his discretionary powers;

(*ii*) the said Special Committee was to examine in three days over 1,200 books; and

(*iii*) it added to the list, on an average, twice the original number of prescriptions of the Sub-Committees?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*) Yes.

(*ii*) Payment of remuneration necessarily implied that the work of examination would be done more satisfactorily by paid reviewers than by honorary workers.

(*iii*) Government are not aware of any such grievances.

(*b*) A sum of Rs. 18,749 was realised as fees from authors and publishers during this year in which the scheme was introduced.

(*c*) and (*d*) No.

(*e*) Yes, the General Committee passed a resolution, but not exactly on the lines indicated. The resolution is quoted below:—

"That the recommendations of the sub-committees be accepted and the Director of Public Instruction be requested to add to the lists of books recommended by the sub-committees on the advice of a sub-committee or sub-committees, if necessary, by selecting books which may be found suitable amongst those which have not been recommended by the sub-committees."

(*f*) (*i*) Yes. Special Committees were formed on the recommendation of the General Committee.

(*ii*) and (*iii*) No.

Sale of khas mahal lands for arrears of rent.

*67. **Babu HEM CHANDRA RAY CHOUDHURI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that in case of public sale of tenures and holdings under khas mahal for arrears of rent no bid for any amount less than the Government dues is accepted by the officer holding the sale; and

(*ii*) that the Government have been purchasing the same for one rupee in case of a tenure and for one pice in case of a holding?

(*b*) Is it a fact that appeals were filed to the Hon'ble Board of Revenue on the same ground?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the number of such appeals filed during the year 1933-34 and the results thereof?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) When there are outside bidders, the Khas Mahal Department usually bids up to the amount of arrears covered by the certificate. In practice, therefore, no outside bid below the certificate demand is ordinarily accepted.

(*ii*) Yes, when there are no bidders.

(*b*) There is no appeal to the Board of Revenue against the order of a Commissioner refusing to set aside a sale. Section 2 of Act VII of 1868 and section 51, Public Demands Recovery Act, seven petitions of revision were filed before the Board in connection with the sale of howlas in Bakarganj but were rejected.

(*c*) Does not arise.

Scheme for Muslim girls' high school in Calcutta.

*68. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the proposal for the establishment of a high English school in Calcutta for the education of Muslim girls has been abandoned?

(*b*) If the answer to (*a*) is in the negative, what steps, if any, are now being taken in the matter?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) No.

(*b*) The scheme submitted by the Director of Public Instruction is still under examination.

Rural Primary Education Act.

*69. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a comprehensive statement showing—

(*i*) how far the scheme of enforcing the Rural Primary Education Act has hitherto materialised: and

(*ii*) what steps, if any, are proposed to be taken in the immediate future in furtherance of the scheme?

(*b*) Do the Government propose to extend the operation of the Act to all the districts in the province?

(*c*) If the answer to (*b*) is in the affirmative, what steps are being taken in this direction?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*) The optional scheme under the Bengal (Rural) Primary Education Act, 1930, has been introduced in the districts of Birbhum, Mymensingh, Chittagong, Noakhali, Dinajpur, Pabna and Bogra with effect from April, 1934, and in the district of Dacca with effect from October, 1934. The scheme will also be introduced in the districts of Nadia and Murshidabad with effect from March, 1935. Notifications for the purpose have already been issued.

(ii) It may be possible to admit one or two more districts under the optional scheme. The question of admitting the district of Hooghly into the scheme is under consideration. No other district board has yet expressed its willingness to participate in it.

(b) Not at present.

(c) Does not arise.

Maulvi TAMIZUDDIN KHAN: Are the Government prepared to do anything except forming district school boards?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Certainly.

Maulvi TAMIZUDDIN KHAN: What else are the Government going to do?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is a very large question which cannot be answered offhand.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister please see that primary education be made at least free and not compulsory just at present?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Government are guided by the Primary Education Act for the time being; and having regard to finances, an optional scheme has been introduced.

Library training.

*70. **MUNINDRA DEB RAI MAHASAI:** (a) Has the attention of the Hon'ble Minister in charge of the Education Department been drawn to the resolutions adopted at the last All-India Library Conference held in Calcutta in September, 1933?

(b) If the answer to (a) is in the affirmative, what actions, if any, were taken on the same?

(c) Will the Hon'ble Minister be pleased to lay on the table a statement showing the names, dates of appointment, grade, educational qualifications, nature of library training of the librarians appointed during the last two years?

(d) Will the Hon'ble Minister be pleased to state whether any one without library training was appointed in preference to trained hands available during the last two years?

(e) If the answer to (d) is in the affirmative, are the Government considering the desirability of appointing only trained librarians in future vacancies?

(*f*) Has any librarian at present in Government service been given facilities to attend Library Training Course either in India or abroad?

(*g*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the names and addresses of registered libraries in each district of the province existing at present?

(*h*) Will the Hon'ble Minister be pleased to state whether any arrangement is being made to open a Library Training Class in this province?

(*i*) Have the Government accepted the proposal of the Calcutta University for opening a Library Training Class at the University?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) Yes.

(*b*) The proceedings of the Conference were sent for information only.

(*c*), (*d*), (*e*), (*f*) aud (*g*) It is regretted that it is not possible to obtain the information in the time available.

(*h*) and (*i*) The local Government are not making arrangements for opening a Library Training Class in this province but the Government of India have enquired about the possibility of such a class being opened under the auspices of the Calcutta University. So far as is known, no decision has yet been reached on this by the Government of India.

Directors of Public Health.

***71. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether any extension of service has been granted to the present Director of Public Health?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether there are any special grounds, as for instance advanced research work or marked administrative ability or capacity for initiative, for granting the extension?

(*c*) What are the duties of the Assistant Directors of Public Health?

(*d*) How many Assistant Directors are now employed in the province?

(*e*) What qualifications are taken into consideration in recruiting Assistant Directors of Public Health?

(*f*) What is the amount of travelling allowance allotted to each Assistant Director during the current year?

(*g*) How many days' touring in the year would be covered by the allowances allotted for the purpose?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) An extension was granted to the present incumbent partly because it was considered desirable that he should complete certain schemes which he had inaugurated and partly because this Department would be short of experienced officers as two of the officers of the Department who were already on extension were due to retire during this year.

(*c*) The duties of Circle Assistant Directors of Public Health comprise: inspection of municipalities, supervision of rural health circles, control of vital statistics and vaccination work, report on outbreak of epidemics and taking steps for their prevention, and all other work concerning the improvement of health of their circles.

The duties of the Assistant Director of Public Health for Malaria Research comprise control of malaria and kala-azar throughout the province, investigation of malaria epidemics and research work.

(*d*) Five.

(*e*) A recognised diploma in public health, a registrable medical qualification, and experience as Health Officer of local bodies.

(*f*) Assistant Director of Public Health for Malaria Research, Rs. 1,800.

Ditto for Presidency Circle, Rs. 1,200.

Ditto for Burdwan Circle, Rs. 1,500.

Ditto for Dacca Circle, Rs. 1,200.

Ditto for Rajshahi Circle, Rs. 1,000.

The allotments are however provisional.

(*g*) The number of days covered by the allotment in each case varies according to the distance of the places visited on different tours according to necessity, and the period of halt at each place.

Babu SATISH CHANDRA RAY CHOWDHURY: Was the present incumbent associated as a colleague with Dr. Bentley, the malarial expert?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, he was.

Babu SATISH CHANDRA RAY CHOWDHURY: Whether the previous incumbent was also not granted extension?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, he was.

Babu SATISH CHANDRA RAY CHOWDHURY: How many Divisions are there in the Dacca Circle?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Dacca Division and the Chittagong Division.

Babu SATISH CHANDRA RAY CHOWDHURY: Is one Assistant Director considered sufficient for these two Divisions, considering the heavy charge?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Formerly, it was a heavier charge when Rajshahi Division was also included in the Dacca Circle, but now Government have formed Rajshahi into a separate circle.

Babu SATISH CHANDRA RAY CHOWDHURY: Did not the Retrenchment Committee Report of 1921 recommend an increase in the number of Assistant Directors?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, it was just the other way. Originally, there were two Directors for these three Divisions, but on the recommendation, so far as I remember, of the Retrenchment Committee of 1922, one was reduced and the three Divisions were placed in charge of one officer. Recently Government decided to revive the old arrangement, viz., two Assistant Directors for three Divisions.

Sale of khas mahal holdings.

***72. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that in case of auction sale of khas mahal holdings in civil courts in money-mortgage execution cases, the purchaser is not recognised as tenant by the Khas Mahal authorities unless he pays 20 per cent. of the price of the holding as estimated by the Khas Mahal Department?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any circular or instruction to the same effect has been issued by the Government or the Hon'ble Board of Revenue to the Collectors and the Khas Mahal officers?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) No. The transfer fee is settled by the court.

(*b*) Does not arise.

Agardari union board in Khulna.

*73. **Maulvi ABUL QUASEM:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) why was not a single Muslim appointed after the last election of Agardari union in the Satkhira subdivision of Khulna;

(*ii*) why was an elected Muslim majority converted into a minority by giving all the "appointed" seats to non-Muslims; and

(*iii*) in how many other union boards in each of the three subdivisions of the Khulna district have elected Muslim majorities been turned into minorities by failure to appoint Muslims?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) and (*ii*) Four Muhammadans and two Hindu members were elected.

As no representative of the depressed classes had been elected, one representative of these classes was nominated in order to represent an area of the union which was not represented by any of the elected members.

As only two of the elected members were considered fit for appointment as members of the union bench and court it was found necessary to select two other Hindus for appointment on the ground of their fitness for being appointed as member of the union bench and court.

(*iii*) The only other instances of the kind referred to are the Damodar and Daulatpur-Pabla union bourds in the Sadar subdivision.

Sir, I may observe here that I am proposing to have an inquiry made as to whether a more vigorous attempt should not have been made to suitable Muhammadans for appointment to the union court and bench. Government are not satisfied with the report on this point.

In both these cases, the number of Hindu voters considerably exceeded the number of Muhammadan voters; and the nomination of Hindus was considered necessary in order to represent the respective strength of the two communities on the boards.

Maulvi ABUL QUASEM: Can the Hon'ble Minister give the Council an idea as to the standard of fitness required of a member of a union board to preside over a union bench and union court?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The selection is made by the local officers and the standard is certainly not very high. If one possesses ordinary education and common sense one is selected.

Maulvi ABUL QUASEM: With reference to answer (*i*) and (*ii*), who were the two persons selected for the union bench and union court?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information on this point. I want notice.

Maulvi ABUL QUASEM: With reference to answer (*iii*), is it a fact that in spite of there being a Hindu majority in the two union boards, the Muhammadans constitute a majority in the last election?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is evidently so.

Chairman, Mymensingh District Board.

*74. **Maulvi ABDUL HAKIM:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the Chairman of the District Board, Mymensingh, is also the chief public prosecutor of that district?

(*b*) Will the Hon'ble Minister be pleased to enquire, and then state, if for combining the two functions into one and the same person the work of the district board is suffering?

(*c*) Has the attention of the Hon'ble Minister been drawn to a resolution, passed in the Jamalpur conference held on the 10th and 11th June, 1933, and the press comments in support of the resolution embodying the opinion that in the interest of smooth working and efficient administration of the self-governing bodies public prosecutors and honorary magistrates should not be eligible for nomination or election to the executive heads of those bodies?

(*d*) If the answer to (*c*) is in the affirmative, have the Government come to any decision over this question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Government have enquired and are satisfied that the work of the district board is not suffering owing to the combination of these two functions.

(*c*) No. It is not understood what conference is referred to.

(*d*) Does not arise.

Road in Vishnupur.

*75. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the amounts accruing to the Road Board Fund and the Motor Vehicles Tax Fund respectively during each of the last two years; and

(*ii*) the amounts granted to the Bankura district in each of the last two years from the aforesaid two funds respectively?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the roads in the Vishnupur subdivision of the Bankura district are few and far between;

(*ii*) that those few roads are mostly unbridged and are in such a deplorable condition that most of them become impassable during the rains; and

(*iii*) that the Vishnupur subdivision is the most thickly populated in the district?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of ear-marking the whole of the grant from the Motor Vehicles Tax Fund and some part of the grant from the Road Board Fund to Bankura, exclusively for the improvement of the existing roads and the construction of new roads in the Vishnupur subdivision?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*)

Receipts from the Road Account.

1932-33—Rs. 12,73,664.

1933-34 (first 6 months)—Rs. 6,40,000.

The amount for the last 6 months of 1933-34 has not yet been received.

Motor Vehicles Tax proceeds.

1932-33—Rs. 15,55,792.

1933-34—Rs. 12,66,142.

(*ii*) The allocation of money from the provincial share of the road account is made on the advice of the Provincial Road Board for the construction or improvement of roads or bridges of inter-provincial or inter-district importance. No such project lying within the Bankura district has yet been recommended by the Road Board.

Out of the proceeds of the motor vehicles tax Rs. 27,149 was paid to the Bankura district in 1933-34. During the present year Rs. 10,562

has been paid as the first instalment and a further instalment will be paid after ascertaining whether the district board has fulfilled the conditions attached to the grant.

(*b*) (*i*) and (*ii*) A report has been called for from the District Magistrate. The information, when received, will be communicated to the member.

(*iii*) The total population of Vishnupur is less than half of the total population of the Sadar subdivision; but the density of population is higher in the Vishnupur subdivision.

(*c*) The position with regard to grants from the provincial share of the road account has been explained under (*a*) (*ii*).

With regard to the grant from the motor vehicle tax the answer is in the negative.

Quinine supply for Bankura.

*76. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department aware—

(*i*) that the Vishnupur subdivision of the Bankura district was in the grip of malaria since the last quarter of the last century;

(*ii*) that only fifteen years before the Sadar subdivision was almost free from malaria;

(*iii*) that within the last few years malaria has encroached in all the thanas of Sadar subdivision;

(*iv*) that malaria in the Sadar subdivision is of a virulent type;

(*v*) that the death-rate was heavy last year in the worst affected villages;

(*vi*) that the people of Bankura are very poor;

(*vii*) that most of them cannot afford to purchase quinine for their use;

(*viii*) that the amount of quinine granted by the Government for distribution was not adequate;

(*ix*) that some of the union boards tried to help the patients by distribution of quinine; and

(*x*) that the quinine pills purchased by the union boards from the market were found to contain no quinine?

(*b*) If the answers to (*a*) are in the affirmative, is the Hon'ble Minister considering the desirability of increasing the amount of quinine for distribution amongst indigent malarial patients of the Bankura district next year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*)(*i*) Yes, the Vishnupur subdivision has been known to be very malarious for a long time.

(*ii*) and (*iii*) No. The number of malaria patients treated in the dispensaries in the Sadar subdivision for the period from 1914 to 1918 was higher than in either of the two succeeding quinquennia.

(*iv*) The death-rate from malaria in the Sadar subdivision was lower than that of the Vishnupur subdivision during the years 1929 to 1933.

(*vi*) and (*vii*) Cultivators are generally poor, and it is probably correct that many of them cannot afford to buy quinine.

(*viii*) It is not possible for Government to supply free all the quinine required in each district.

(*v*) and (*ix*) The information is not readily available.

(*x*) Government received a report of the sale of spurious quinine tablets by some private firm in another district.

(*b*) The question of making larger quantities of quinine available to the district boards in accordance with the established policy of Government is under their consideration.

Public Health Department Engineering Branch.

*77. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the qualifications prescribed for the posts for the Chief Engineer and Executive Engineers in the Public Health Department;

(*ii*) the qualifications possessed by the present incumbent of the said posts by names; and

(*iii*) the number and names of the projects and schemes initiated or taken in hand by the Engineering Branch of the Public Health Department during the last five years, giving the estimated cost of each project and scheme?

(*b*) Are the Government considering the desirability of instituting enquiries for ascertaining the feasibility of amalgamating the Engineering Branch of the Public Health Department with the Public Works Department with a view to reducing avoidable expenditure?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) A statement is laid on the table.

(*iii*) The information will be found in the annual reports of the Chief Engineer, copies of which will be found on the library table.

(*b*) No.

Statement referred to in the reply to clause (a) (i) of starred question No. 77.

(a) (i) The qualifications now prescribed are:—

Chief Engineer, Public Health Department.—Candidates must be corporate members of the Institution of Civil Engineers or of the Institution of Engineers (India), or possess qualifications equal to those required by those institutions for corporate membership. At least 12 years' experience as a Civil Engineer is essential of which not less than 8 years must have been as a specialist in Sanitary Engineering. During the latter period the applicant must have been responsible for the design and construction of both water works and drainage schemes. Preference will be given to Engineers who have had Sanitary Engineering experience, both in England and in India.

Executive Engineers, Public Health Department.—Candidates must be corporate members of the institution of Civil Engineers or of the Institution of Engineers (India) or must possess qualifications equal to those required by those institutions for corporate membership. They must have specialised in Sanitary Engineering for not less than 5 years during which time they must have been engaged in the design and construction of both drainage and water works.

(ii) Chief Engineer—Mr. F. C. Griffin, M.INST.C.E., M.I.E. (India).

Executive Engineers—Mr. S. N. Ghose, B.A., B.SC. (Glasgow), M.INST.C.E., F.R.SAN.I., M.I.E. (Ind.).

Mr. W. J. Berry, M.B.E., F.S.I., M.R.SAN.I.

Mr. B. N. Mazumdar, B.E., A.M.I.E. (Ind.).

Medical inspection of boys in schools.

*78. **Rai Bahadur SATYENDRA KUMAR DAS:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether rural sanitary inspectors are being required to undertake a part of medical inspection of boys in schools?

(b) If the reply to (a) is in the affirmative, are the Government considering the desirability of entrusting this particular work to teachers of at least equal efficiency?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Yes.

(b) No.

Rai Bahadur KESHAB CHANDRA BANERJI: Does not the Hon'ble Minister consider that the work of medical inspection should not be entrusted to sanitary inspectors having regard to the fact that they are not medically qualified?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

Narayanganj Municipality.

*79. **Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the number of appointed commissioners of the Narayanganj municipality has been increased under section 18 (*1*) of the Bengal Municipal Act?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the said increase has been effected on the representation of the municipality or of the local European Chamber of Commerce?

(*c*) Is the Hon'ble Minister aware that there is no jute mill or jute industry in the municipality?

(*d*) If the answer to (*c*) is in the affirmative, why has the proportion of appointed commissioners been increased to give representation to the jute industry?

(*e*) Did the Government make any inquiry to ascertain whether the development of this municipality is due to or dependent on the concentration of the jute industry?

(*f*) Is it a fact that Narayanganj is a big trade centre and that trade on all sorts of merchandise along with jute is carried on in the town?

(*g*) Is it a fact that the development of the town is due not only to the jute trade but other trades as well?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state why preference in municipal representation has been given to the jute trade alone to the exclusion of other trades?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) On the representation of both.

(*c*) There is no jute mill, but there are many jute presses and a great deal of trading in the commodity takes place in this municipality.

(*d*) Does not arise.

(*e*) No special enquiry was made, but the facts stated in the answer to (*c*) were well-known.

(*f*) and (*g*) The jute industry is by far the most important; other commercial activities are largely due to the importance of the town as a centre of the jute industry, and it is unlikely that the municipality would have developed but for that industry.

(*h*) Does not arise.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Text Book Committee.

37. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state how many members the Central Text Book Committee consists of?

(*b*) Are there any rules regulating their appointment and tenure of office?

(*c*) What is the length of their tenure of office?

(*d*) What are the precise duties of the members of the said committee?

(*e*) Will the Hon'ble Minister be pleased to state how the actual act of the selection of books is done by the members of the committee?

(*f*) Are these members paid any remuneration?

(*g*) If so, how much?

(*h*) Is the Hon'ble Minister aware of a widespread feeling of dissatisfaction with the work of the members of the said committee in their recent selection of the text books?

(*i*) Were the books given to the members for examination at the last selection in the first instance?

(*j*) If the answer to (*i*) is in the affirmative, what time was given to them for such examination?

(*k*) Was the result of their examination accepted and acted upon? If not, why not?

(*l*) Was a special sub-committee appointed to re-examine the books already examined?

(*m*) If the answer to (*l*) is in the affirmative, what time was given for such re-examination?

(*n*) Is it a fact that the latter sub-committee recommended books rejected by the first examiners after a thorough and lengthy examination?

(*o*) Will the Hon'ble Minister be pleased to state the names of the members of the text book committee and the names of the gentlemen constituting the special sub-committee?

(*p*) Did the process of re-examination entail extra expenditure? If so, how much?

(*q*) Are the Government considering the desirability of taking steps to prevent a recurrence of such things in the future?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) to (*g*) The member is referred to the rules for the working of the Provincial Text Book Committee, a copy of which is placed on the library table.

(*h*) No.

(*i*) The meaning of this question is not understood.

(*j*) and (*k*) Do not arise.

(*l*) Yes.

(*m*) No time-limit was imposed.

(*n*) Yes.

(*o*) No.

(*p*) Rs. 73-10 for travelling allowances.

(*q*) The nature of the things, the recurrence of which the member seems anxious to prevent, is not understood.

Settlement of khas mahal lands in Bakarganj.

38. **Babu LALIT KUMAR BAL:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay a statement on the table showing for the last ten years—

(*i*) how many acres of khas mahal lands have been settled in the Bakarganj district; and

(*ii*) how many acres of such lands have been given to the Hindus, Muhammadans and the depressed classes respectively?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) 47,032 acres from 1924-25 to 1933-34.

(*ii*) Exact figures are not readily available. The approximate percentage is as follows:—

Muhammadan—90 per cent.

Depressed class—7 per cent

Caste Hindu—3 per cent.

Ahsanullah School of Engineering, Dacca.

39. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay a statement on the table showing—

(*i*) the present total number of members in the staff of the Ashanullah School of Engineering, Dacca;

(*ii*) how many of them are Muhammadans;

(*iii*) how many vacancies, temporary, acting and permanent, occurred in the said school during the last five years; and

(*iv*) how many of those referred to in (*iii*) were filled up by the Muhammadans?

(*b*) What is the percentage of Hindus and Muhammadans in the artisan class of the workshop of the said institution and the respective percentage of stipend-holders there?

(*c*) How many district board stipend-holders are there and how many of them are Muhammadans?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) A statement is laid on the table.

(*b*) Hindus 71·6, Muhammadans 28·4. Stipend-holders: Hindus 76·1, Muhammadans 23·9.

(*c*) Five, of whom one is a Muhammadan.

Statement referred to in the reply to clause (a) of unstarred question No. 39.

STAFF OF THE ASHANULLAH SCHOOL OF ENGINEERING, DACCA.

Staff.	(i) Total No.	(ii) No. of Muhammadans.	(iii) Vacancies in last five years.		(iv) Filled by Muhammadans.
			Permanent.	Temporary.	
1. Teaching ..	20	2	3*	1	1
2. Ministerial ..	9	2	4	3	2
3. Menial ..	9	2	..	1	..
4. Workshop mistry and menial (temporary)	20	3	..	2	..
5. Workshop mistry and menial (permanent) ..	7	3	..	3	2

*One of these was left vacant as a measure of retrenchment.

Encumbered estates.

46. SETH HUNUMAN PROSAD PODDAR: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the total number of estates at present under the management of the Court of Wards;

(*ii*) the average gross income;

(*iii*) Government revenue;

(*iv*) arrears of rent collections; and

(*v*) total liabilities of each such estate?

(*b*) Is the Hon'ble Member aware that the present encumbrances of the landed estates of Bengal are due to arrears in rent collection?

(*c*) Have the Government considered the question whether the present condition of the zamindars could be improved along with the improvement of the condition of the *raiyats*?

(*d*) Are the Government considering the desirability of introducing an Encumbered Estates Bill on the lines of the United Provinces Bill now in progress?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) A statement is laid on the table, giving figures for 1340 B.S.

As the phrase "average gross income" is not understood, actual gross income for 1340 B.S. is given.

Arrears of rent and cesses are given up to the end of 1340 B.S., and the total liabilities mentioned are as they stood at the close of the same year.

(*b*) This is one of the reasons.

(*c*) Yes.

(*d*) No.

Statement referred to in the reply to clause (a) of unstarred question No. 40.

District.	Number of estates.	Actual gross income (1340) B.S.	Revenue and cesses due to Government during 1340 B.S. (current demand and arrears.)	Arrears of rent and cesses at the end of 1340 B.S. due to the estates.	Liabilities of the estate at the end of 1340 B.S.
		Rs.	Rs.	Rs.	Rs.
Burdwan ..	1	60,32,862	41,34,510	40,94,856	15,86,998
Midnapore ..	15	13,38,386	4,52,953	11,43,185	1,06,843
Hooghly ..	2	1,13,529	15,442	71,715	Nil
24-Parganas ..	9	9,50,840	1,62,298	12,67,625	1,76,341
Nadia ..	1	1,96,856	85,554	6,20,371	54,548
Murshidabad ..	2	32,88,853	13,11,776	33,68,112	1,35,91,032
Jessore ..	7	2,72,242	4,43,058	19,68,672	7,83,765
Khulna ..	5	4,90,710	3,19,304	7,89,361	8,27,842
Dacca ..	16	35,00,614	5,40,052	45,65,392	31,98,007
Mymensingh ..	6	5,75,356	1,88,261	14,22,102	14,55,662
Faridpur ..	3	1,55,98[illegible]	29,678	5,99,456	5,27,585
Bakarganj ..	18	10,09,310	3,69,610	13,10,097	3,50,542
Chittagong ..	11	3,63,390	1,48,556	4,69,003	3,05,556
Tippera ..	8	6,62,977	2,18,838	11,05,607	7,49,990
Noakhali ..	4	4,48,502	3,50,369	10,00,313	29,05,896
Rajshahi ..	4	2,62,569	84,563	6,97,372	11,64,995
Dinajpur ..	6	5,23,835	2,49,681	14,78,655	5,64,559
Rangpur ..	6	5,82,550	5,26,106	22,11,023	41,36,808
	*124	2,07,69,362	96,30,609	2,81,82,917	3,24,86,969

*Four small estates have not been included as they were only for a portion of the year under Court's management.

Figures of Murshidabad Nawab Estate not included.

Ministerial officers in Bakarganj police office.

41. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing the present number of ministerial officers, Hindu and Muslim separately, in the police office in the district of Bakarganj?

(*b*) Will the Hon'ble Member be pleased to lay on the table another statement showing, year by year, for the last three years—

(*i*) how many vacancies occurred; and

(*ii*) how many of them were filled up by Muslims?

(*c*) Is it a fact that in some cases the vacancies were caused by the death or retirement of Muslims but filled up by Hindus? If so, why?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) and (*b*) A statement is laid on the table.

(*c*) No vacancies were caused by the death or retirement of Musalmans. The two vacancies in 1932-33 were filled by members of the backward classes and that in 1933-34 which was for a stenographer was filled by a Hindu.

Statement referred to in the reply to clauses (a) and (b) of unstarred question No. 41.

Present number of ministerial officers (excluding 2 members of backward classes)—

Hindu—13.
Muslim—4.

Total number of vacancies—

1931-32—Nil.
1932-33—2.
1933-34—1.

Number of vacancies filled up by Muslims—

1931-32—Nil.
1932-33—Nil.
1933-34—Nil.

Dacoities in Narayanganj subdivision.

42. Mr. ANANDA MOHAN PODDAR: (*a*) Is the Hon'ble Member in charge of the Police Department aware that recently there

has been a great prevalence of dacoity and murder in the Monohardi and Raipura thanas of the Narayanganj subdivision?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay a statement on the table showing for the last three years—

(*i*) the number of dacoities and murders that have been reported in the said area;

(*ii*) in how many cases the offenders have been detected;

(*iii*) how many cases have been sent up for trial; and

(*iv*) how many of them have resulted in conviction?

The Hon'ble Mr. R. N. REID: (*a*) and (*b*) Statements are laid on the table.

Statement referred to in the reply to clauses (a) and (b) of unstarred question No. 42, showing the number of dacoities reported during 1931 to 1933 in Monohardi and Raipura police-stations in the district of Dacca and the result of investigation of the cases.

Number of cases reported during—

1933—7.

1932—4.

1931—4.

Number of cases in which offenders were detected during—

1933—1.

1932—2.

1931—Nil.

Number of cases sent up for trial during—

1933—1*.

1932—2.

1931—Nil.

Number of cases ending in conviction during—

1933—Nil.

1932—1 (under section 392, Indian Penal Code)

1931—Nil.

* Pending trial in the Sessions Court.

atement referred to in the reply to clauses (a) and (b) of unstarred question No. 42, showing cases of murder within the Monohardi and Raipura police-stations in the district of Dacca during 1931 to 1933 and the result of investigation of the cases.

Year.	No. of cases reported.	No. of cases sent up in charge sheet.	No. of cases ending in conviction.
1931	6	4	2
1932	10	8	2
1933	9	4	3

NON-OFFICIAL BUSINESS.

SPECIAL MOTION UNDER SECTION 78A.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, r. I submit that further discussion on this motion cannot proceed cause the Constitution Bill has been introduced in the House of ommons. I rely on section 80A of the Government of India Act.

Mr. PRESIDENT: Will you please read the section for the nefit of the House?

Mr. SHANTI SHEKHARESWAR RAY: Shall I read the whole ction or only that part of it which is relevant?

Mr. PRESIDENT: I mean only the relevant portion on which u are relying.

Mr. SHANTI SHEKHARESWAR RAY: It is stated in the Govnment of India Act that the local legislation of any province may t, without the previous sanction of the Governor General, mako take into consideration any law—

(a) imposing or authorising the imposition of any new tax, unless the tax is a tax scheduled as exempted from this provision by rules made under this Act; or

(b) affecting the public debt of India or the customs duties, or any other tax or duties for the time being imposed and imposed by the authority of the Governor General in Council for the general purposes of the Government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty.

Mr. PRESIDENT: That will do, Mr. Ray. What is the bearing of it on the motion before the House at the present moment?

Mr. SHANTI SHEKHARESWAR RAY: The Report of the Joint Parliamentary Committee on constitutional reforms is the basis on which the constitutional Bill has been framed and now that the constitutional Bill is before the House of Commons and before Parliament——

Mr. PRESIDENT: It is a Bill and not yet an Act. It is not a "law".

Mr. SHANTI SHEKHARESWAR RAY: It is against parliamentary convention also that the matter should be taken into consideration and adversely criticised in a subordinate Legislature, local or imperial. I beg further to point out that neither the Government of India nor the British Government nor Parliament has sought any opinion on this measure. In that case perhaps it would be permissible to discuss and submit our opinion. In the absence of any such demand it would be, I submit for your decision, that a discussion is undesirable and out of order.

Mr. PRESIDENT: I entirely disagree with Mr. Ray, but I should like to have the opinion of the Leader of House on the points raised.

The Hon'ble Nawab K. G. M. FAROQUI: We are not discussing the Bill. We are only discussing the Joint Parliamentary Committee's Report.

Mr. PRESIDENT: Although we are not, we can discuss a Bill before the House of Commons in respect of matters of local importance, I mean matters that affect Bengal.

Mr. S. M. BOSE: May I say, Sir, that there is a section of the Government of India Act which precludes the Indian Legislature from passing any Act——

Mr. SHANTI SHEKHARESWAR RAY: Also consideration of any law.

Mr. PRESIDENT: Order, order. In disposing of the point of order which has been raised by Mr. Ray I must ask the House to first of all determine the exact nature of the motion before the House and the extent of its scope. We are not considering any motion for

legislation either to amend or repeal any "law." Are we even considering the Bill before the House of Commons, although we are at liberty to do so? Are we not merely criticising the Recommendations of the Joint Parliamentary Committee? I hold that the motion before us is nothing more than a resolution and the object behind it is to have the proceedings of the debate on the recommendations of the Joint Parliamentary Committee sent up to the Government of India for the information of His Majesty's Government, evidently for the benefit of those who have framed the Bill and those who would give it its final shape. The hon'ble member should not forget that the Bill before the House of Commons may yet be revised and changes may yet be effected to its clauses, either in respect of principle or detail. In any case, it is not any Act of Parliament or any "law" that we are trying to amend or repeal. We are merely criticising the recommendations that have been made by the Joint Parliamentary Committee, on which the Bill before the House of Commons is based. At this stage, criticisms are not only permissible but may serve a very useful purpose. The House has every right to take into consideration the recommendations of the Joint Parliamentary Committee and make the proceedings of the debate in respect thereof available to His Majesty's Government and to the Members of Parliament. I overrule the objection. The motion before the House is in order and the discussion on it may proceed.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I rise with considerable diffidence to speak on the Report of the Joint Select Committee at the fag end of this session, for I am afraid my observations will be a mere rehash of the arguments already put forward on the floor of this House by several speakers during the last three days. I must confess that it is very difficult to speak on the constitutional framework as envisaged by the Joint Paliamentary Committee. The time at my disposal is hardly adequate for a full and comprehensive survey of the proposals contained in the Report. The Committee consisted of the finest brains of Great Britain, a few of the ablest statesmen of the Empire. Moreover, the Report is very ably drafted, but still if I say that the Report has disappointed us, I do not mean to play to the gallery. It has never been my lot to earn cheap applause. I am not, however, one of those who are in favour of rejecting the Report simply because the constitution adumbrated therein falls short of our expectations. Nor should it be understood to mean that we approve of the proposals *in toto*. It has many imperfections, no doubt some notable omissions which a thorough study of the Report would reveal. I believe that the Reforms as outlined would cause keen disappointment in the country.

Sir, I agree that provincial autonomy with an executive responsible to the Legislature is a real advance towards responsible government. No constitutional mind can deny that, but the limited form of responsibility of Ministers in the administration of Law and Order hurts our national sentiment. A gift when tempered with conditions repugnant to the Act itself is no gift at all.

Sir, much capital has been made out of the fact by the Secretary of State in the Commons that the Home Secretary in England is not entitled to the papers of the Secret Police Service; he is only entitled to the information. The Secretary of State went so far as to suggest that the Convention which had grown in England might be profitably adopted in India. The Joint Committee members were more cautious than the Secretary of State in the use of language; they said: "We are informed by those who have experience of such matters in this country that the practice is that in a Secret Service case the names are not disclosed even to the Minister most immediately concerned. We have no reason to suppose that Indian Ministers will not adopt the same convention."

It intrigues one to find that the Committee which contained many ex-Cabinet Ministers preferred the language, "We are informed" to using a definite statement, such as, "We know." My acquaintance with the English constitutional history may be meagre, but I do not know of a definite case where the Home Secretary has been denied the papers and that the Home Secretary has accepted the situation. Sir, it is necessary to emphasise the fact that practice is not convention. I would like to know from the Treasury Bench since when that convention has grown up in England. I cannot conceive of a Minister who is responsible to the Legislature being denied the papers of the department working under his formal control. Similarly, a responsible Minister, holding the portfolio of Law and Order, who is debarred from the power of amending the Police Acts or Police Rules, is a sight for constitutional jurists in any part of the world to see. All these roundly mean that Law and Order is a Reserved Subject. Therefore, to argue that dyarchy has been abolished would not be stating the real situation. The system obtaining at Home might not have caused administrative difficulty, but for obvious reasons, it would not work well in India. In some cases, it may result in a deadlock.

Sir, to a Bengalee Hindu, all interests in the coming Reforms evaporate when it is thought that they would be broadbased on the Communal Award and the Poona Pact. It is a significant phenomenon in the constitutional history of the world that the British Cabinet, supposed to be the most democratic institution in the world, have enunciated the principle of protecting the majority community in Bengal by weightage and law. The statutory guarantee of the majority

of seats to a majority community is unique in the history of constitution-making, and it is a tragedy no doubt that the British nation, a nation of seekers after liberty, is responsible for it. Sir, the Communal Award enunciates unjust and undemocratic principles, and any constitution based on the Award can be anything but democratic. The Poona Pact has rendered the Award worse. The constitution thus based on the Communal Award and the Poona Pact cannot secure smooth working in Bengal, and unless it is modified at least on the lines suggested by the Marquess of Zetland in the Joint Parliamentary Committee, no caste Hindu can greet the Reforms with equanimity and cheerfulness.

I listened with great interest to the candid and conciliatory speech which Rai Sahib Sarat Chandra Bal made the other day. It was in striking contrast with the militant and unreasonable attitude sometimes exhibited by my friend Mr. Amulyadhan Ray. The Rai Sahib's speech breathed an air of sincerity and frankness which we on this side of the House very much appreciated. There should be no hesitation, therefore, in seeking an agreed solution of this vexed question, namely, the Poona Pact, which was practically thrust upon Bengal.

The other day Mr. Amulyadhan Ray levelled an undignified and unmerited criticism against Rai Sahib Sarat Chandra Bal because he had the courage to speak out his mind. I may add in this connection that the Rai Sahib is the Vice-President of the Bengal Depressed Classes Federation and Mr. Ray is the Secretary. It is a matter of surprise that the Secretary had the temerity to go over the head of the Vice-President in declaring that the Depressed Classes Federation would not agree to give up a single seat. May I ask what are Mr. Roy's credentials to make a statement like that? Has he been authorised by the Federation to speak on their behalf? Since the publication of the Joint Select Committee's Report, the Federation have given expression to their opinion that all questions relating to the Poona Pact should be referred to them only and that they are prepared to reconsider the question. Sir, in fact there is no depressed class problem in Bengal, and I fail to see how the depressed classes suffer politically in this province. To my mind, it is a spurious agitation which is calculated to do more harm than good, and to bring about social disruption. Sir, the caste Hindus are not so unreasonable as to deny their less fortunate brethren their legitimate share in the administration of the country. This can only be secured by educational advancement. What have the authors of the Poona Pact done to raise the backward classes of the Hindu community from the abyss of illiteracy and ignorance? A few seats on the Legislatures and a few posts here and there will not secure this objective. What is needed at the present moment is not temple entry or interdining, but financial assistance in the shape of special stipends for poor and deserving students of that community which I

hope no caste Hindu will refuse to give. I hold in my hand an appeal issued by prominent caste Hindus such as Sir R. N. Mookerjee, Sir Prodyot Kumar Tagore and Mr. P. K. Acharji in their capacities, respectively, as President of the Managing Committee, Chairman of the Finance Committee and Honorary Secretary to the Society for the Improvement of the Backward Classes in Bengal and Assam. This Society was established in 1909, their object being the promotion of the welfare of the backward sections of the people. That shows that the caste Hindus have never been unmindful of their duty to their fellow-brethren. Sir, while on this subject, I desire to thank Mr. Thompson who, I find, is absent to-day, for his kind offer of help to solve this problem. Mr. J. N. Gupta made a passionate appeal to our Moslem friends the other day, and I endorse every word that he uttered in this connection. To-day, I appeal to my European friends to treat the Hindu cause with more sympathy and consideration. Need I remind them that it was the loyalty and devotion of this community which played an important part in building up a successful administration in this country. I hope the same offer of help will be forthcoming from them in regard to the Communal Award in order to enable us to come to an agreed solution of the problem. Sir, I appeal to the Treasury Bench to realise that the success of the new constitution will depend upon the co-operation of all classes, the creation of a calm atmosphere and the development of mutual trust and good-will. To this end, all our energies should be directed, and I hope that a sincere call from Government will not go in vain.

Mr. Abul Kasem in his criticism of Regulation I of 1793 said that it was responsible for the present financial condition of Government. Sir, in this connection, I desire to remind him that in the Punjab and in the United Provinces, the Governments had to grant substantial remission of land revenues but there has been no such remission here in Bengal on account of the Permanent Settlement. (MAULVI ABUL KASEM: It is very nominal.) Certainly not. It is also a significant fact that even in these days of depression, the collection of land revenue in this province is about 92 per cent., whereas in the *khas mahals*, I mean the temporarily-settled estates under Government, the collection does not exceed 56 per cent. That shows that Mr. Abul Kasem's contention is not based on facts. And besides at the time of the Permanent Settlement, land revenue was assessed at a very high rate including productive and unproductive land such as fallow land, swamps and marshy lands. Then again, Sir, the average percentage of profit of the *zemindars* in Bengal is less than the average percentage of profit earned by the *talukdars* in areas not permanently settled such as in the Punjab and in Oudh in the United Provinces. Babu Kishori Mohan Chaudhuri and the Maulvi Sahib sitting on his left will perhaps

bear me out, when I say that in Rajshahi particularly the position of *zemindars* in this respect is unenviable. This one instance will suffice to prove that my contention is right.

Coming now to the financial aspect of the Reforms, it is necessary to know to what extent separate Burma will assume responsibility with regard to the public debt of India—the debts backed by assets and the debts which are unproductive. In this connection, I may add that the total public debt of India on which the Layton report was based included Rs. 1,074 crores up to 1928-29. Of this, a sum of Rs. 470 crores was raised in England. Rs. 873 crores were productive and Rs. 171 crores unproductive debts which include the cost of the Burmese Wars for which we have paid interest so far. What compensation are we to pay to the States joining the Federation for assuming the debts?

Sir, on a reference to the list of heads from which provincial revenue may be derived, it will appear that the sources of taxation are many and varied. Bengal, already groaning under a heavy burden of taxation, will hardly be able to bear further strain. Sir, the Meston Award has totally impoverished Bengal. It is blessed neither by Government nor by the people who have condemned it in no uncertain terms. So, Sir, unless we can find means to relieve this province of the crushing burden of taxation, the new constitution, I am afraid, will be unpopular and there will be no enthusiasm to work it.

We are glad that the sanctity of the Permanent Settlement has been recognised. But, Sir, such acknowledgment is of little value when there is a proposal of imposition of death duties and the taxation of agricultural income. What you are giving us with one hand are being taken away with the other. The landholders are on the verge of extinction on account of continued economic depression. Regulation I of 1793 exists in name only. There have been so many inroads on our rights that it will be a travesty of truth to say that the sacrosanct character of the Permanent Settlement has been maintained. Instead of being revived by gradual stages, the *zemindars* would not perhaps object to the expropriation of their properties—a proposition which would fetch more revenue to Government. Sir, speaking as a landholder, I feel the injustice done to this community——

(Here the member having reached his time-limit resumed his seat.)

Mr. PRESIDENT: With the consent of the House I should like to cut down the time-limit to 10 minutes as I find that several more speakers are eager to speak. Of course, at my discretion I may extend the time-limit when I think fit and proper.

Mr. RAZAUR RAHMAN KHAN: Sir, it is now over a month that the Report of the Joint Parliamentary Committee has been before the public. After that there have been debates on the Report in both

the Houses of Parliament; it has been discussed in provincial Legislatures in India and we have now also the benefit of elucidation or interpretation by persons in the know and in a position of authority to do so. It is difficult to throw any fresh light on the issues involved; the best one can do is to give one's impressions after reading the Report.

Well, Sir, the matter of Indian Constitutional Reforms have been before the public for a pretty long time and it has been threshed out from all angles of view, and some of the best brains in England have done the final touching up. A large body of talented men have given their best consideration to the drawing up of the Report. It has been an exacting labour well done and whatever defects there are in the Report are due to the difficulty and the immensity of the problem involved and not owing to any want of good-will or honest intentions. The task before them was well nigh impossible, to harmonise the just and legitimate aspirations of the Indian people to raise themselves to a position of equality with the self-governing Dominions of the British Commonwealth so that Indians could hold their heads high without the stigma of present inferiority. On the other hand, there was the vested interest of the British people, not necessarily antagonistic to Indian aspirations but with potential danger points of clash between the two interests. And all these had to be done with an eye to its repercussions on world opinion. A difficult task which can be accomplished only through good-will and perseverance on both sides.

Now coming to the general consideration of the question, we Indians find it difficult to understand why the members of the Select Committee have fought shy of the words "Dominion Status." This is a point on which Indians, irrespective of their party or creed, will admit of no equivocation and mental reservation. We are grateful to His Excellency the Viceroy for his recent expression of assurance on the point, and we are also thankful to Sir Edward Benthall and his group for their support of that assurance that in any future government of India they will work with us to achieve India's position of equality with the other parts of the British Empire. India now stands at the crossways. All Indians have before them the same goal; on the other hand, there is the spectre as we may call it of independence, and the elevation of their country to a position where among the nations of the world they will be able to stand erect and meet all other nations on terms of equality. For that achievement there are two roads, one on the right, the way to Dominion Status in its fullest implications. We, Sir, who have drawn our inspirations from English seers, who feel thankful that they have learnt the language in which Milton wrote and Shelly sang, the language of Walt Whitman and Abraham Lincoln, the language in which is enshrined some of the greatest documents and monuments of human freedom, have still our hopes in the ultimate honesty of the best Englishmen. We want to hitch our waggon to England if England would let us do it with honour and self-respect. As I said before we are willing

travellers on the right way path of evolutionary developments; we are willing to wait, if we are allowed to progress. But God forbid if the rattlings and fulminations of the Lloyds and Churchills prevail over the British to divert us from our goal and turn us to a blind alley, then those of us with the least amount of patriotism left to us and self-respect may have to reconsider our position and turn ourselves to the path on the left leading through precipitous rocks of internecine wars, civil commotions, carnage and blood to a goal of independence. But we are not likely to take it. They would know that the achievements will be precarious and advance slow and that probably the struggle will be heavy and that will be the only thing left to us, and when God is in his home all is right with the world. It is for the Britishers to decide which way shall the Indians travel.

Coming to a detailed examination of the question before us, we are first faced with the Communal Award. We on this side of the House are not enamoured of the Communal Award but till there is an agreed settlement it was and is inevitable and Mr. Ramsay Macdonald with his past associations and expressions of opinion cannot be said to have any soft corner in his heart for the Muhammadans and if Mr. Ramsay Macdonald could give an award like this nobody should very much quarrel about it.

As regards the powers of the constitutional Governor, I think they are adequate. What we have to complain of is that in the teeth of opposition and decision of the members of this House and against the wishes of the majority of this House we have been saddled with an Upper Chamber. The Upper Chamber will serve no useful purpose. Probably this is considered as a brake which will act as a safeguard and my considered opinion is that it will act more as a clog to progress than anything else.

As regards the powers and constitution of Provincial Governments every honest man will admit that they are a great advance on present conditions. The financial point has been cleared up and ably put before us by the Hon'ble Sir John Woodhead.

Now we come to the vexed question of safeguards. That is a point on which I disagree with most of my countrymen. I think that just as it is necessary that a high power car should be fitted with best brakes possible so in this constitution where we know that we have got an arduous uphill journey to undertake it is absolutely necessary that the brake must be of the right type. We might compare the motive power of a motor car to the constitutional powers where the fuel is the finance! The Hon'ble Sir John Woodhead gave us a forecast of the real thing, and the safeguards the brake. And who will be bold enough to say that in such a journey as we are now undertaking the brake should not

be the strongest, not to impede progress but to work on unforeseen exigencies. And now the whole thing depends upon the man who is put at the wheel.

I do not like to speak on the privilege of His Majesty, but at the same time I yield to none in my admiration for the Indian Civil Service; some of them have been very great; some of them have done great services to India; India owes many of her achievements to the members of that service but at the same time the manner in which they have been brought up, their segregation in the mufassal and their detachment from the public are things which do not give them the width of vision which is necessary to guide the future car of progress, and I think His Majesty's Government would be very well advised to take the Indian point of view and give it due consideration.

(Here the member reached his time-limit and resumed his seat.)

The Hon'ble Mr. R. N. REID: I do not propose to detain the House long on this subject except to say that Government welcome this resolution and will forward the discussion to the right quarter and I would just like, within the limits of my very narrow upbringing, to make a few remarks on those points which concern my own departments.

He must be credited with remarkable ingenuity who is capable of adding anything new to the discussion on this subject. In fact, we have reached a stage when discussions in this country are pretty well at an end and the vital discussions which are going to lead to the final decision as to what is to be the new constitution for India will take place in another part of the world.

As a former speaker said in the course of the debate on the Report which we have been discussing, the Report is the result of careful and unhurried work, and I venture to suggest that though within the framework of the recommendations of the Report there is ample room for difference of opinion and for discussion yet we should, the Indian nation should, accept that Report and surely it is in the best interests of the country and of those who live in it that they should endeavour to work the proposals. It is idle to deny that the proposals are an immense stride forward in India's constitutional history and in fact amounts almost to a transformation of the political scene. One may remember 13 years ago the storm of criticism with which the Montagu-Chelmsford Reforms were greeted and the forebodings which accompanied their inauguration and yet that constitution has worked. It is true that the machinery has creaked, chiefly for want of financial lucubration in this province particularly, and also on account of the efforts which were made by political and subversive movements to wreck the machinery altogether. How much better that constitution would have worked, had we had an equitable financial settlement, had we not been handicapped by economic depression and worst of all had we not been handicapped by our domestic

troubles, the revolutionary movement, which has caused our unproductive expenditure to rise to its present desperately high figure, it is easy to imagine. But it seems to me there is no reason why, given good-will, and given, as we hope we shall have, an equitable financial settlement, for which the struggle is not yet over, and when I say good-will it includes the disappearance or at least the diminution of those subversive movements which have given Bengal such a bad name and brought it into such difficulties, given all that there is no reason why the new constitution, the very wide extension of self-government should not succeed.

I pass on now to the more detailed points which I should like to mention very briefly. There is first the recommendation in the Report about the police. I think it is elementary and I think everyone will agree that it is necessary for the success of any Government that they should have an efficient and contented police force. The two go together. The Joint Parliamentary Committee has recommended two things: that no alteration should be made in the general Police Acts or other Acts and no alteration in the rules made under those Acts should be made without, in the case of the Acts, the prior consent of the Governor and in the case of the rules that his consent should also be necessary. Well, Sir, it is vital to a police force that they should be not subject to political influences and that they should feel secure, and on the other hand it is just as necessary for the Minister in charge of Law and Order that he should be possessed of a force which has that assurance, and that is the whole point in these recommendations. I venture to prophesy that the Ministers of the future need have few misgivings on this subject and need anticipate little inconvenience from these proposals in whatever form they are embodied in the Bill.

There is the point of which a great deal has naturally been made about the recommendations regarding the safeguarding of information and the sources of information or rather the prevention of the divulgence of the sources of information. Dealing as we are with a secret revolutionary movement our sources of information are inevitably secret and have to be kept secret, otherwise they will dry up. So long as that revolutionary conspiracy continues, and as I have often said before this House, I am afraid there is no real reason to think that it will disappear altogether with the inauguration of the new constitution, so long as that vital situation continues it is vital for the sake of success that we should keep our sources of information safe and those who give us information should have that security. The Joint Parliamentary Committee I think made this very clear in the paragraph of their Report which deals with this point. They say "but the difficulty arises, not because Indian Ministers are likely to demand or disclose the names of informants or agents, but because the informants or agents themselves would not feel secure that their identity might not be revealed." This, however, does not mean that the Minister is going to be deprived of all

information or he has simply got to accept whatever driblet of information is given to him by an unsympathetic body of officials. He has got to have sufficient information to enable him to pass orders where orders are required and to defend his action in the face of criticism. But the vital point is that the sources of this information should not be divulged and that the people who give those informations should feel secure, and I think it is only common sense that that provision should be put in.

Then there is another point—the recommendations of the Committee as regards taking of special powers by the Governor in connection with the struggle against terrorism. Much has been said on this point and it has been said that Bengal has been singled out for special treatment in this respect. The Committee were evidently very gravely impressed with the position and the possibilities of the position in Bengal and after all we must admit that it is not surprising when we review the past history of Bengal and in particular the most recent history illustrated as it is by the numerous Acts which this House has been called upon and has felt itself called upon to pass in order to suppress that movement. But, here again, if the House will bear with me I shall read out that paragraph (paragraph 96) of the Report which deals with this point. What they say is "if conditions in Bengal at the time of the inauguration of Provincial Autonomy have not materially improved, it would, in our judgment, be essential that the Governor of that province should exercise the powers we have just described forthwith and should be directed to do so in his Instrument of Instructions." The inference of that is that before the Governor takes his powers there will be review and discussion and not until that has been done will he take those powers. It is not an unqualified direction. Finally, I will just reiterate those weighty words which His Excellency the Viceroy a few days ago uttered on this subject. He said there are two alternatives before us: firstly, to accept this Report which is based on three broad lines, *i.e.*, provincial autonomy, federation, and responsible Government in the Centre with safeguards, and the second alternative is flat and sterile rejection of the scheme, an attitude which connotes continuing for an indefinite period under the existing constitution. I venture to think that all sensible men will sooner or later reject the second alternative in favour of the first.

Mr. K. C. RAY CHOWDHURY: I do admit that the constitution as it is proposed by the Joint Committee is conceived in a spirit of distrust and undue reservations and safeguards are provided for reasons such as those now mentioned by Mr. Reid, the Home Member, viz., the subversive movement, and no genuine efforts by the Bengalee public to check it but still greater reasons are the economic bullets of Bombay *banias* to injure British trade and British industry in India. In fact, the White Paper scheme is modified owing to organised attack on British

lives with Bengalee bullets and on British trade with economic bullets of Bombay *banias*—I mean the merchants of Western India. Their activities to foment boycott of British goods, to raise a tariff wall against British goods are well known. Could anybody conceive a worse example of their malice against British shipping than the Hazi Coastal Bill. The idea to reserve Indian coastal trade for big Indian shipping companies which do not exist and are not likely to come is simply ridiculous. I give you another instance of their aggressiveness. In July in 1933 when I was booked on a P. and O. mail to proceed to England, Bombay people came on board and tried to induce us to abandon P. and O. and to travel by Lloyd Tresitino, an Italian Steamship Co. The result of Bombay's anti-British activities has its repercussion on this constitution in the shape of discrimination against British trade in India mentioned by Sir Edward Benthall in his speech the other day. From the Bengal labour point of view we welcome more external capital investment in India. The capital of Bengal is locked in land and Government securities. We want more and more British capital and enterprise to develop our industries. The Council discussed the other day the affairs of the Calcutta Electric Supply Corporation, a monopoly British Company. It is true that the consumers of electricity have good grievances against the Company, but it is equally true that they employ Indians in high position, *e.g.*, their Acting Chief Engineer is an Indian. They take educated apprentices for training and pay good wages to workmen and provide good conditions for them. It is not the case with other non-Bengalee Companies—Hukum Chand, Birlas, Gogalbhai—who do not employ a single Bengalee on their superior staff. From the labour point of view we welcome the few seats given to labour and the enfranchisement of 6 million workers without property and tax-paying capacity and without communal qualifications. But unfortunately no steps have been provided in the Report to protect the economic interest of tens of millions of workers and *raiyats* that form the backbone of the Indian nation. The trade unionists of India appealed to the Joint Committee for fundamental rights of workmen—the right to strike, the right to receive old age pension and unemployment benefit and other things. The trade unionists of Bengal demanded constitution of Joint Industrial Council known in England as Whitley Council but those demands have been ignored. On the contrary every conceivable protection is provided for capital, *viz.*, commercial discrimination, bounties and subsidies of *zemindars*, etc. The grievances of labour, although a few seats are allotted for its representation in Central and Provincial Legislatures, are therefore real so far as the new constitution is considered.

Mr. R. MAITI: Sir, we ought to congratulate Mr. S. M. Bose for giving this House an opportunity of having a discussion on the Report of the Joint Parliamentary Committee on the Indian Constitutional

Reforms. This part of his motion is quite all right, because we ought to know what would be our position under the constitution proposed by the Select Committee after a hard and laborious work for 8 months. But, with regard to the second part of his motion I am sorry I cannot see what useful purpose will be served by our recommending to the Government of Bengal to forward the proceedings of our deliberations to tho Government of India for the information of His Majesty's Government and also for the consideration by the Parliament, when we have already known that both the House of Commons and the House of Lords in England have carried a resolution accepting the Report of the Joint Parliamentary Committee as the basis for the new constitution for India and that a Bill to that effect has been formally introduced in the Parliament. Such hurried action on the part of the authorities in England proves quite conclusively that they have already made up their mind to enact a legislation for the Indian Constitutional Reform on the lines as suggested in the proposals of the Select Committee—no matter whether we express any opinion thereon or not. So, I submit, it is rather too late for Mr. Bose to press the second part of his motion.

Sir, though we know that the authorities in England are determined to give the proposals of the Select Committee a definite shape as hurriedly as possible in utter disregard of a strong body of public opinion in India against them, we the Indians are also prepared to expose the hollowness of these proposals and show to them that until and unless they are substantially modified or altered in the interests of the Indians for whom they are intended, it would not be acceptable to anyone in this country.

Sir, the reality of the political aspirations of the Indian people has been recognised by the authors of the Joint Parliamentary Committee after reviewing the whole situation in India. In paragraph 11 of the Report they say that "the subtle ferments of education, the impact of the war and the beginning of the sense of nationality have combined to create a public opinion in India which it would be a profound error for Parliament to ignore.....A public opinion does exist, strong enough to affect what has been for generations the main strength of the Government of India—its instinctive acceptance by the mass of the Indian people." Then again, Sir, in paragraph 17 they say that "the Act of 1919 introduced a large measure of responsible government in the provinces and the Government thus established have now been in operation for more than a decade. Opinions may differ widely as to the success of this experiment, but we agree with the conclusion reached by the Statutory Commission that its development has now reached a stage when it has outgrown the limits imposed upon it by the Act of 1919.....and it has in fact given a considerable number of public men experience of the responsibilities of government, either as Ministers, or as members of the majority on which the Ministers have relied for support in the Legislatures." Sir, this is not all. Further, they say

in paragraph 49 that "to-day, so rapid has been the march of events since 1919, we are discussing not only a Federation of British India but an All-India Federation."

Sir, having thus formed an estimate of the Indian's fitness for the due discharge of the responsibilities of the Government, it is now for us to judge what sort of Reforms they have proposed for further constitutional advancement in India. Sir, with a view to satisfy the real and genuine aspirations of the Indian people they have proposel in their Report a scheme of Federal Government for the centre and responsible autonomous government in the provinces with a number of safeguards all round but they have carefully omitted any reference to the Dominion Status for this country, which was originally declared by several British politicians on behalf of His Majesty's Government and ultimately ratified by the Royal Proclamation of 1921, to be the Indian's ultimate political goal. Conspicuous absence of any reference throughout the Report of Dominion Status proves beyond doubt that the authorities in England want to go back upon the pledges given to India in the past. They think that our salvation does not lie in Dominion Status but it lies in Federation and Provincial Autonomy under strongest and numerous safeguards.

Sir, let us stop for a while and examine whether the proposed new constitution is a distinct advance upon the present one, or it is most retrograde in its nature, bringing us back to the old days when India used to be governed by the autocratic form of Government.

Now, as to the Federal Scheme I have nothing much to say, as there is no likelihood of its coming into being in the near future. As a matter of fact, this scheme may not come into existence at all owing to certain conditions laid down in the proposals. If it at all comes, it will not introduce any responsibility at the Centre. The special powers, legislative and financial, of the Governor-General and the nature of the Governor General's special responsibilities with the method of indirect election to the Legislatures takes away much of its responsible character.

Here, Sir, I will say a few words about the nature of the Provincial Autonomy which has been proposed to be introduced immediately after the Constitution Act has been passed.

Sir, in order to make the Governors' Provinces autonomous it has been proposed to do away with the dyarchical system in the present constitution, viz., to abolish the Executive Council and replace it by a Council of Ministers to "aid and advise" the Governor in the exercise of any powers conferred on him by the Constitution Act, except in relation to such matters as will be left by that Act to the Governor's discretion. Sir, though this proposal appears to be very sound at the outset, but its actual working in accordance with the recommendations of the Report will wholly divest the Ministers of all responsibility which they enjoy at present.

Sir, under the present constitution Ministers have to deal with the transferred subjects and the members of the Executive Council with the Reserved Department, but in relation to the transferred subjects, the Governor shall be guided by the advice of his Ministers unless he sees sufficient cause to dissent from their opinion, though the Governor has to take great care not to dissent from the opinion of his Ministers nor to override their decisions if they enjoy the confidence of the majority of the elected representatives of the people. But in the new constitution the Ministers' position will be quite different. They will have merely to aid and advise the Governor who may not be bound to take their advice in all matters. So their position under the new constitution will be far worse than what it is now.

Again, Sir, under the present constitution the salaries of the Ministers are subject to the vote of the Legislatures, but it is now proposed by the authors of the Select Committee that their salaries will be non-votable, *i.e.*, will be no longer subject to the vote of the Legislatures. This appointment and dismissal lie in the hands of the Governor. That being so, they have always got to please the Governor for the enjoyment of their fat salaries and will in no way be responsible to the elected representatives of the people whose money they enjoy.

Sir, this is the position of the Ministers under the new constitution. Along with this fact if we take into our consideration so many safeguards provided for the exercise of the special powers and special responsibilities of the Governor in almost all matters, we cannot but come to the conclusion that the proposed Provincial Autonomy is really an autocracy in the garb of a democracy and is based upon suspicion and distrust of the Indian people as to their fitness to discharge the responsible duties of the Government. Such being the position of the Ministers under the new constitution, I am afraid that no sensible man will be available to work out the new constitution. So, in my opinion, the proposed constitution is not a step forward in advance but is rather a step backward in checking the progress of the country.

Sir, with these words I support the first part of the motion while I am opposed to the second part of it.

Mr. SARAT KUMAR ROY: Sir, my predecessors have discussed in detail the various aspects of the Report of the Joint Parliamentary Committee in the Indian Constitutional Reforms and they have laid sufficient stress on what I consider the broad political aspects of the problems before us. As the discussion has been pretty elaborate, I am afraid I shall not be justified in adding any further to it.

But as one representing the landholders of Bengal in the Council, I think I should not let the view points of my constituents go altogether unrecorded. And I regret to say that the mandate of my constituents is to record a strong protest against the unjust decision of the Joint

Parliamentary Committee regarding the constitution of the local Legislatures with reference to the representation that has been allowed therein to the landholders of Bengal, the ratio it bears to that of all other constituencies in Bengal, and above all, the communal basis of forming the constituencies.

Sir, it is a matter of surprise that while the number of seats allotted to the landholders in the existing Council of 140 members is 5, nearly the same number has been accepted to be sufficient to represent that community even in a House consisting nearly double its former number. The number of seats allotted for all other constituencies has been increased proportionately with the enlargement of the House itself. But also, the number for the landholders remains where it stood before. Sir, that is a piece of injustice which requires no arguments to condemn. In this connection, Sir, I may point out to the House that the landholders of Bengal are responsible for nearly one-third of its total revenue. They have the gravest responsibility for punctually meeting this heavy charge. Consequently the stake they have in the smooth running of the administration and the economic prosperity of the country, is unquestionably supreme. And if they are not properly represented, I am afraid, their interests would be seriously jeopardised.

Sir, it may be said, as he has argued in many quarters, that the landholders may obtain adequate representation through the general constituencies. But I must assert that along with the lowering of the franchise, such expectations can never be visualised. And in this respect, the creation of a Second Chamber cannot operate as sufficient safeguard for the landholders; moreover, the communal and indirect method of election provided for it, would stand in the way of securing an evenly balanced representation of diverse interests of the country in that body.

Hence, I beg to record a strong protest against the decision of the Joint Parliamentary Committee regarding representation of the landholders in the future Legislature of Bengal and unless these defects are removed, the landholders of Bengal cannot welcome the report.

Sir, as regards Communal Award, I beg to state that it has to be admitted that the object of the present constitutional reforms is to encourage the healthy growth of democratic form of Government in India. But I think that for such purpose, the growth of parties representing diverse interests in the country is essential. Anything which is likely to hamper it, should have been studiously avoided while framing the constitution. Sir, I am sure that if there be communal barrier to act as an impediment, the growth of the parties must necessarily be hampered, and along with it, the idea of democracy will also fail. Hence, I am afraid, that due to the existence of this communal barrier, the main object of the Reforms will be frustrated; I sincerely hope that this aspect of the question would not be lost sight of while the ultimate decision is arrived at by the British Parliament.

Maulvi ABDUS SAMAD: Sir, I had neither any intention nor any inclination to take part in this debate, not because I have got nothing to say on the subject under discussion but because from our past experience we know that our opinion carries very little weight with the Government. But as my silence is likely to be misconstrued as acquiescence to what has been said by Khan Bahadur Abdul Momin and Maulvi Abul Kasem about the merits of the Select Committee's Report, I shall be failing in my duty if I allow their views to go unchallenged.

In the opinion of the Khan Bahadur, the proposed constitution is "a great advance on the existing condition of things" and he says that in spite of certain drawbacks and shortcomings, the Bengal Moslems to a man have the general approval of the recommendations of the Select Committee and as such they are prepared to work the constitution that would be based on those recommendations. If this had been his own personal view, I would have nothing to complain. But as he gives that opinion as the *de facto* and *de jure* leader of the Muslim community, a claim which I strongly repudiate, I am entitled to criticise it and expose its hollowness.

Now let us see what other Muslim leaders, more competent to speak on the subject, have said about the Report. Sir Abd-ur-Rahim, Mr. Jinnah and many other prominent Muslim leaders have condemned the Report in unequivocal terms and have expressed their willingness to join hands with Congress for rejecting it. Sir, Md. Iqbal has described the future Provincial Governors, who would be armed with all sorts of autocratic powers, as so many "White Rajas." In the Punjab Legislative Council it was a Muslim member, Chowdhury Afzal Huq, who brought in a motion to express the dissatisfaction of that Council with the recommendations of the Select Committee's Report and it was carried by an overwhelming majority. In the United Provinces Council Khan Bahadur Hafiz Haidyet Hossain, a member of the Round Table Conference, declared that the Report was "nothing but a mere rehash of the White Paper proposals, differing with them only in respect of being more reactionary." He further pointed out that "the Report had brushed aside the authoritative declarations of British politicians on behalf of His Majesty's Government as to India's ultimate political goal, its most conspicuous feature being the absence of any reference to Dominion Status for the country." Nawab Liaquat Ali Khan, Deputy President of the United Provinces Council, condemned the Report in even more scathing terms. He said that "the constitution proposed was autocracy in the garb of democracy." He appealed to his countrymen, "to sink their petty differences and combine together for attaining self-government which according to him was not a boon to be conferred by any outside authority, but which should come from within."

Sir, these are the opinions of some of the moderate Muslim leaders. I have purposely refrained from quoting the opinions of the Nationalist

Muslim leaders and Nationalist Musilm Press. Now, Sir, compare these opinions with the opinion expressed by Khan Bahadur Abdul Momin and judge how far his claim to speak as the *de facto* and *de jure* leader of the Muslim community is supported by the opinions expressed by other Muslim leaders. The next important point in the Khan Bahadur's speech which requires consideration is his opinion that "it is good government and not self-government that we need." This is exactly the argument used by Mr. Churchill against the introduction of responsible government in India. Mr. Churchill's contention was not accepted by other responsible British politicians who hold that good government is not equivalent to self-government. It is a pity that Mr. Momin is trying to out-Churchill Mr. Churchill. Nothing better could be expected from an ex-Commisisoner of a Division. In fact, he speaks the voice of the Bureaucracy and not the voice of Khan Bahadur, the accredited leader of the Muslim community.

The last point in the Khan Bahadur's speech which I want to briefly deal with is his views about the Communal Award. The Khan Bahadur hails the Award as the Magna Charta of the Muslim community, but in my humble opinion it is a death blow to Muslim interests and Muslim progress. It is on this ground and not on the ground that it affects the interests of the Hindu community that I have consistently opposed the pernicious system of separate electorate. It is a plan very ingeniously devised by the British Bureaucracy to keep the Muslim community permanently segregated from their politically, educationally and economically more advanced neighbours, the Hindus, with a view to prevent the growth of sense of patriotism and nationalism among the Muslims, ideals which a community must keep before its mind if it ever aspires to attain political freedom.

Mr. Abul Kasem has said that the Prime Minister had to give the Award as the communities in India failed to reach an agreement on the communal problem. Mr. Kasem has borrowed the argument used by the Premier in justification of his decision; but those, who have followed the course of events that have taken place since 1930, cannot have failed to observe that it is the British policy which is mainly responsible for this failure. The Government took every possible step to see that the communities do not agree. The manner in which the personnel of the Muslim delegation was selected, the sending of the Government of India's Despatch recommending a larger number of seats with separate electorate to the Muslims in contravention of the terms of the Lucknow Pact just at the moment when the prospects of the settlement of the communal problem looked brighter than ever, refusal to send Dr. Ansari as a delegate to the Second Round Table Conference on the pressure brought to bear upon Lord Irwin by the advocates of the separate electorate, even though His Excellency promised to include his name as a delegate, non-recognition of the scheme formulated by the Congress Working Committee in July, 1931, which

was accepted by more than 50 per cent. of the Muslim community and also of the Agreement reached by the Allahabad Unity Conference which, according to Maulana Shaukat Ali, was acceptable to 90 per cent. of the Muslims of different shades of political opinions, are some of the facts which clearly indicate the attitude of the Government towards this all-important question of the system of electorate. Sir, the communal representation is the most effective safeguard for the protection of British interests and it has been introduced for that purpose alone and not for the purpose of protecting Muslim interests. Sir, why was the Government so very anxious and solicitous to protect the interests of the Muslim community in utter disregard of the interests of the rest of the communities forming the vast majority of the Indian population? Are we to understand that the Government is partial to the Muslim community? If so, why has the Muslim majority in Bengal been reduced to the position of a permanent minority? Out of Mr. Jinnah's 14 points, the most important demand was that majority community should under no circumstance be reduced to the position of a minority.

Curiously enough, the Congress Working Committee in the scheme of 1931, to which I have already drawn the attention of the House, accepted the principle underlying the Muslim demand but the Government, for reasons apparent on the face of it, could not accept it so far, at least, as Bengal is concerned. Sir, it is not yet too late for the Government to revise their policy and to concede to the Muslims of Bengal absolute majority on the basis of joint electorate by reducing the number of seats allotted to the European community, a proposition which I know the Hindus would gladly accept. Unless that is done, the proposed Reforms would bring no peace in the land and the constitution would not be worth the paper on which it would be written.

Sir, Mr. Abul Kasem has said that the Muslims want separate electorate because the Hindus have so long dominated the Muslims and have monopolised all power and Government service. What he meant to say is this, that as in the future Council the Muslims would be numerically stronger than the Hindus they would be in a position to dominate the Hindus and would thus be able to introduce and carry measures beneficial to the Muslims in spite of Hindu opposition. But they forget that the Communal Award has left the balance of power in the hands of the European community. We should do well to remember that the Europeans are shrewd intelligent businessmen and they are here to protect their own interests and not the interests of either the Hindus or the Muslims. If the Muslim demands be just and reasonable there will be no opposition by the Hindus but if they be unreasonable and inequitable we can hardly expect any support from the Europeans. The advocates of separate electorate have a second string in their bow. They think, and I have heard many prominent Muslim members to say that even if we fail to secure the co-operation of the Europeans we are

sure to get the support of our friends, the depressed class Hindus. They forget that blood is thicker than water. They also forget that caste Hindus know how to play the game and if occasion arises they will play it exceedingly well. Sir, from whatever point of view we may consider, the Communal Award has hit hard the Muslim community and is most detrimental to our interests. If the object of the Reforms be to benefit the Muslim masses who form about 95 per cent. of the total Muslim population in Bengal, we can only achieve that object by earning the good-will and co-operation of the Hindu community and not by antagonising them.

In conclusion, I would most earnestly appeal to my Muslim colleague to reconsider the position and in the interests of the Muslim community and in the interest of peace and good-will should try to arrive at an agreed solution satisfactory to all parties concerned.

Maulvi TAMIZUDDIN KHAN: Sir, on Thursday last, the House was treated to an illuminating discourse by Sir Edward Benthall. I agree with him in general and fully endorse most of what he said, but if I raise a jarring note, it will be only on account of a compelling sense of duty. I am not one of those who profess that there is nothing in the report which Indians can look upon with satisfaction. No one can deny that it is a distinct advance on the present situation, in spite of all that Maulvi Abdus Samad has just now said. But contrary to expectations, it leaves us yet many generations off from our desired goal, and as such, there can be very little enthusiasm over it. What, however, is most depressing is that the Report offers very little prospect for the amelioration of the hard lot of the toiling millions of the country. They will continue to welter in abject poverty as ever. The same exploitation to which they have been subjected in the past will go on. The administration will remain top-heavy as now. The recruitment to the All-India Services by the Secretary of State on the present scale of pay and emoluments will in itself be a heavy burden on the exchequer. This again will naturally have its reflection on the scale of pay of officers recruited in India also and on the whole, the new Reforms will hardly offer any prospect of a substantial reduction of the unjustifiably high salaries that the upper grades of the Services in India enjoy to-day. Over and above this, the Reforms will entail a tremendous increase in the cost of administration. There is no doubt that the brunt of this heavy burden will have to be mainly borne by the impoverished and down-trodden tillers of the soil. Under circumstances such as these there will be hardly any prospect of the reclamation of the masses from illiteracy. I have no doubt that in spite of the hypocritical and spasmodic activities shown by the Government from time to time, the Rural Primary Education Act in Bengal will remain a dead letter for long years to come. I am not one of those who do

not recognise the benefits which the British rule has conferred on us, but no one can deny that it is a black spot on the British administration of India that in the course of a century and a half of enlightened and civilised rule, the darkness of mass illiteracy has not been removed from the land. Sir, can we be enthusiastic over the Reforms when we contemplate that this darkness is going to continue and to purvey the horizon of Bengal for many long years to come.

The financial outlook of Bengal appears to be very gloomy under the Reforms. I fully endorse what previous speakers from the non-official benches have said on the subject. While we appreciate and feel grateful for the persistent efforts which our Government have been making to improve the financial position of Bengal under the Reforms, I feel I cannot share the optimism of the Hon'ble Sir John Woodhead. I only hope that my apprehensions will be falsified by future happenings and that Sir John Woodhead will prove to be a true prophet.

Sir, the Report of the Joint Select Committee has not only whittled down some of the White Paper proposals for doing some partial financial justice to Bengal, but has put in an effective clog upon another fruitful source of revenue by trying to perpetuate the Permanent Settlement. In paragraph 372 of their Report, the Joint Select Committee said that the Permanent Settlement could not be placed beyond the legal competence of an Indian Ministry responsible to an Indian Legislature which is to be charged *inter alia* with the duty of regulating the land revenue system of the province to alter the enactments embodied in the Permanent Settlement which enactments, despite the promises of permanence which they contain, are legally subject to repeal or alteration. Wise words, no doubt, but at the same time the Report recommends that the Governor should be instructed to reserve for the signification of His Majesty's pleasure any Bill passed by the Legislature which would alter the character of the Permanent Settlement. In other words, it would be next to Permanent Settlement. In other words, it would be next to impossible to alter the character of the Permanent Settlement.

The Joint Committee recognises that in view of the manifold interests involved, it would be extremely difficult for any Ministry or Legislature in Bengal to embark upon any legislation affecting the Permanent Settlement. Where is then the necessity of imposing this additional check? My *zemindar* friends in this Council seem to demand that the Permanent Settlement must remain intact even if the whole of Bengal is destroyed by an earthquake. The financial disaster that looms large on the horizon of Bengal will be hardly anything less than a catastrophe of this nature. The *zemindars* fondly hope that even if the rest of Bengal is destroyed, they will live in happiness with their Permanent Settlement. The vast amount of national capital that yearly finds its place in the pockets of a few dozens of people in Bengal in the shape of an unearned increment, pure and simple, needs must be

released if Bengal is actually faced with a financial crisis. The recommendation of the Joint Parliamentary Committee is, therefore, highly disappointing as far as this question is concerned. I do not say that any injustice should be done to individual *zemindars*. Compensate them, if necessary, but let them not, as a class, stand permanently in the way of Bengal's economic regeneration.

Sir, the establishment of a second Chamber in Bengal in spite of the verdict of this House to the contrary will be another open sore in the body politic. Truly has Major Attlee said in the House of Commons that second chambers are proposed to be established with a view to curb the popular will. Democratic opinion in Bengal is bitterly disappointed over this proposal.

Sir, the Communal Award has been made the subject of much adverse criticism in this House. I do not like to refer to all those criticisms in the course of a short speech, but I feel bound to refer to the remarks of my friend, Maulvi Abdus Samad. Sir, I do not believe the whisper that Maulvi Abdus Samad belongs to the Hindu Mahasabha, but I believe that there is no gainsaying the fact that he is the only solitary Muslim member of the Congress Nationalist Party which has recently been started under the leadership of Pandit Madan Mohan Malaviya. Sir, that is sufficient to explain the views that are entertained and expressed by Maulvi Abdus Samad on the floor of this House from time to time. I do not like to refer to anything else that he has said, but I would like to answer one argument about the Communal Award advanced by Mr. J. N. Gupta which seems to me to be somewhat plausible. The argument is this, that in respect of Bengal, the reservation of seats through communal electorates cannot legitimately be claimed by the Muslims because they are a majority community in Bengal, and at best such a protection may be claimed by a minority community. As I have said, this seems to be a plausible argument on the face of it, but it fails to take a comprehensive view of India as a whole. It is dictated by a narrow opportunism, which no statesman can countenance. As to provinces, like the North-West Frontier Province and Sind, where also the Muslims are in a majority, there is no objection to the application of the principle of reservation of seats through separate electorates, because there it is advantageous to the Hindu minority. It can also be applied without objection to provinces in which the Hindus are in a majority because there the rights of the majority community are not adversely affected by it, and in addition a statutory majority is guaranteed to the Hindus. But the principle must not be applied in the case of the Punjab and Bengal because there the Hindus, though in a minority, run neck to neck with the majority community in respect of numbers, and if there is no reservation for any community it is just possible that the Hindus may secure a majority whereas in the event of a reservation they can never expect to be in such majority in the Legislatures of

these provinces. How can they expect the British Government to give effect to one-sided arrangement like this? Sir, I do not understand why some of our Hindu brethren are up against the Communal Award. I have no time to answer the other arguments which were advanced by them, but I would ask this of my Hindu friends who have attacked the Award whether they actually believe that the Muslim majority in the three provinces, namely the North-West Frontier Province, Sind and the Punjab and the statutory Muslim minority in Bengal will crush the Hindus of these provinces. If that were possible, the Muslims of those provinces in which they are in a minority would be crushed under the new Reforms. I do not think that the future Government of Bengal will at all be run on communal lines under the coming regime. The interaction of economic and political forces are bound to give rise to non-communal parties. We can clearly forsee the existence of two such parties, namely, the Congress and the Praja Party in the Legislatures of our province. These again will have their counterparts in the Liberal and the Landholders' parties. The future Government of Bengal will be shaped by the relative strength and the possible coalition of some of these parties. And the question of one community dominating another will be altogether out of consideration. If we work shoulder to shoulder with this end in view, to create a new Bengal, the apprehensions expressed on the floor of this House will prove to be baseless.

Sir, I would only refer to the attitude which the Muslim community bears towards the Award save and except Maulvi Abdus Samad. The attitude of the Muslim community is what has been aptly and pithily put forward by Khan Bahadur Abdul Momin. Though we are not satisfied with the Report, in case the constitution foreshadowed in it comes into existence we shall certainly be prepared to put our shoulder to the wheel, assimilate and profit by what is now proposed to be given and go on unremittingly striving for more in peaceful, friendly and honourable collaboration with the other communities inhabiting this land until we reach our desired and destined goal.

Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Opinion in this country—both inside and outside the Legislature—and in England has by now expressed itself abundantly on the nature and measure of self-government contemplated in the report of the Joint Parliamentary Committee on Indian Reforms. On the one hand, these proposals have been characterized as retrograde and reactionary, and on the other as going much too far—a step which would amount in fact to an act of abdication by the British Parliament of its authority over India. But I think, Sir, that when the tumult and the bustle of the controversy had died down, it will be recognised that the proposals are a big step forward. They combine in them the three essential principles in the

demand so far made by every Indian, namely, complete provincial autonomy along with an All-India Federation to be brought about in a comprehensive scheme and responsibility at the centre.

A great point has sometimes been made out of the proposed checks and safeguards. These have, however, been proposed in view of the existing facts and conditions in India. They are not intended to impede the development of self-government in this country but are a necessary support without which self-government in India cannot succeed. Nor would there be any occasion to have recourse to them, save in very exceptional circumstances. And some of these checks and safeguards seek to make provision which have actually developed as well recognised conventions in the progress of Parliamentary government in Great Britain.

Then, Sir, the proposed special powers of the Governor and the Governor-General have been criticised as being far too much dictatorial and overshadowing. But, Sir, some of these critics seem to forget what the Constitutional sovereign in a country like Great Britain can by law do without consulting Parliament. This is what Bagehot in his book "The English Constitution" says:—

"Not to mention other things, she (Queen Victoria was the Sovereign at the time the book was written) could disband the Army (by law she cannot engage more than a certain number of men, but she is not obliged to engage any men); she could dismiss all the officers, from the General Commanding in Chief downwards; she could dismiss all the sailors too; she could sell off all our ships-of-war and all our naval stores; she could make a peace by the sacrifice of Cornwall and begin a war for the conquest of Britanny. She could make every citizen in the United Kingdom, male or female, a Peer; she could make every parish in the United Kingdom a University, she could dismiss most of the civil servants; she could pardon all offenders. In a word the Queen could by prerogative upset all the action of civil government, could disgrace the nation by a bad war or peace, and could by disbanding our Forces, whether land or sea, leave us defenceless against foreign nations."

Then, Sir, disappointment has been expressed that the Committee had carefully avoided any reference to Dominion Status as India's goal. In voicing this disappointment in Council, my friend, Mr. S. M. Bose, recalled Lord Irwin's declaration in November, 1929, which was made with the full authority of His Majesty's Government that the natural issue of Indian Constitutional progress as contemplated in the announcement of August, 1917, was attainment of Dominion Status. Mr. Bose pointed out that the Prime Minister hinted the same thing at the close of the First Round Table Conference. It will be recalled, Sir, that towards the close of the House of Commons' debate last week, the

Leader of the Opposition, Mr. Lansbury, declared that India was entitled to know implicitly and definitely whether Dominion Status remained the policy of Government and invited Mr. Baldwin to make a clear statement on the point. In reply, Mr. Baldwin declared that the Government stood by all its pledges. I submit, Sir, that that declaration should dispel any possible suspicion as to the ultimate intention of Great Britain in regard to this country. The new Constitution is based on responsible government which is the defined goal of British policy in the Montague-Chelmsford Act of 1919. That constitution has within it the seed of growth to full Dominion Status. And we all fervently hope and pray that in the fullness of time, India may take her place as a full-grown and autonomous dominion in the British Commonwealth of Nations which is at once the marvel of history and a just cause of pride to all people composing it. In the meantime, we would realise that our destiny lies in our own hands. For the attainment of our goal depends not upon the passing of an Act nor on the progress of time but on the way in which we are prepared to reciprocate the expression of good-will on the part of Great Britain by doing our best to work the new Constitution harmoniously and to develop it to the fullest extent. Thus will these checks and safeguards, of which we are hearing so much now, fall into disuse and the strongest safeguard will be found in practice in the good-will of Indian themselves. I would therefore conclude by appealing to all sections and particularly to the two great communities—Hindus and Moslems—to sink their differences, to be tolerant of each other, to have regard for each other's feelings and susceptibilities and to combine together for purpose of working the new Constitution harmoniously and in a spirit of good-will.

Rai Sahib PANCHANAN BARMA: I rise to speak a few words and at the outset say, that I see in the *All-India* Federation *economic and to a great extent political* salvation of India. India has been divided into several parts—the British Provinces and the Indian States, although *India seems physically* to be united. Indian India has been divided into different States, *some* large, *some* small. Among the Native States, too, there is complete separation; no one State may mix with or communicate with the other; so that the small States are quite helpless *especially in economic matters*. But under the proposed constitution, the Indian *States*, while keeping their independence *and internal sovereignty, quite entire*, are proposed to be brought under a Federation *and* if they *are to get some* rights, they must also have some obligations.

I must at the same time say, that there has been a constant cry on the part of the people of the Native States in Indian India that they are not *represented or well represented* in the State Councils nor are they anywhere in *British* India. I think this grievance ought to be rectified and that it is not impossible, if *by some arrangement between* the British

Government and the States in connection, the States' people *are brought* into closer contact with the Indian Empire as a whole. If the States are represented by their own people *as a rule*, I think this will satisfy the people of the States. But nowadays they are, *within and outside the States*, represented, even about their own grievances, by people residing outside the States, who naturally seek to represent the interests of *themselves or of their own people* and of the *official authorities in power for the time being*, which is very bad and leads to the deterioration of the interests of the States.

Now, Sir, I come to the question of the Indianization of the Army. *By this, it is generally meant the Indianization* of the officers of the Army, but *I urge for the generalization or provincialization* of the military units. Only particular units are recruited from particular races or *Provinces or States* with the result that other Provinces or *States or races* in India are prevented from taking part in the military operations *in defence of their State or Province or Country* and are losing their military strength. So, I think, *every Province and every State should have* a military unit composed of its own people. On the subject of Military Police, we feel it very keenly in Bengal, and that, because *the Military Police* are recruited from people outside the province and our own people are being emasculated.

As regards the safeguards, some of them are very good for the State and for the people. There had been turmoils recently in Kashmir and *Alwar*. And if *we* come back to Bengal there had been many such turmoils; and *the State of Cooch Behar was, during the "Non-co-operation" days, attacked in a manner by the Non-co-operators of the British district of Rangpur;* and unless *there is some authority to take some* strong steps, these *occasional* outbursts cannot be *checked* or avoided.

Then I come to the agricultural classes. I find that a new tax is proposed to be imposed on agricultural products. *This is quite wrong in principle* and when the prices of these products are so *low, any new tax will take away much of their much reduced income. And*, I believe, Sir, under the present circumstances, the proposal of imposition of a tax on *agricultural product* comes from a cruel heart.

Coming to the question of the scheduled castes, I beg to say that the *scheduled castes in Bengal with a population of about ninety-five lakhs* have been allotted thirty seats while the other Hindus with a population of about a crore and twenty lakhs have been given fifty seats. If we look and compare the populations *and the respective seats* it seems there is no justification for the *other Hindus' complaint* for this proportion of seats. Then again it is said that the Intelligentsia and men with a stake *in* the country should be given *some weightage* and *that* in consideration of this principle, twenty-five seats have been given to the *Europeans*,

whose number is only twenty-five thousands, and *four seats to the Anglo-Indians, whose number is also twenty-five thousands.* On that analogy, Sir, the Hindu Intelligentsia and *the aristocracy* of Bengal *demand* a larger number of seats. I submit that their claim *on that account too,* if they urge it, has already been fulfilled. They have got two seats as representatives of the Universities; they have got five seats as representatives of the landlords; they have got four seats as representatives of Commerce and *Trade.* And these are the special seats allotted to them and though non-communal by rule, *are sure to be obtained by them.*

(The member having reached the time limit had to resume his seat.)

Maulvi SYED MAJID BAKSH: Sir, the time is very short and I shall confine my remarks to one or two serious points. I was not convinced by the measured and sympathetic speech of the Hon'ble Mr. Reid. I shall at the outset deal with the proposition that he has himself dealt with, namely, the transfer of the Police Department. If the Police Department is transferred with reservations mentioned in the Select Committee's Report I fail to understand how the Minister will be able to run the department and what will be the actual procedure to be adopted in running the department. Will he simply sign the files sent to him by the Inspector-General of Police, or will he have anything to do with the internal administration of the department, or in other words, as the Bengali expression has it, he will be holding the department *benami* for the Inspector-General of Police?

The Hon'ble Sir JOHN WOODHEAD: Sir, might I interrupt? I say definitely "no".

Maulvi SYED MAJID BAKSH: Well, Sir, it may be that it will not be so, but I want to be convinced that it will not be so. That is the whole point which I am driving at. If the Minister for reasons which we cannot foreshadow thinks that certain internal affairs will have to be handled in his own way and if the Inspector-General of Police thinks that things should not be handled in that way, then what will happen. The Mninster will have to go to the Governor and if the Governor is sympathetic enough and is not convinced by the Inspector-General of Police, then of course the Minister will have his own way. But I am diffident we may not have sympathetic Governors always, and then I think there will be a deadlock. Therefore unless and until some effective power is given to control the Police Department to the Minister as in the case of other departments I for one will not accept it." There is another feature which has not been referred to by the Hon'ble Mr. Reid probably for want of time, I mean the proposal of

the White Paper which has been whittled down by the Select Committee as regards the appointment of the Chief Minister. The White Paper recommended, and it is clear from the evidence of Sir Samuel Hoare before the Committee and he was cross-examined at length by members of the Committee, as to how the formation of the Ministry will take place. Sir Samuel Hoare has definitely said that there will be a Chief Minister who will be able to command the majority of the House. and generally he will be appointed from the majority group. It is not necessary that he must command an absolute majority. The formation of the Labour Government under Mr. Macdonald is a case in point. Although the Conservatives and the Liberals actually outvoted them still the leader of the majority party was called upon to form the Ministry. This, as is well-known, is the cabinet system for the appointment of Ministers. It was made explicit in the clearest of terms by Sir Samuel Hoare in his evidence but that has been cast to the four winds by the Joint Committee's Report. Considering the various arguments we think it prudent to give the Governor a wide power in this respect. How will this wide power be exercised? Will not any member of the minority party whose interests are dear to the Governor be appointed? If he is appointed, then of course I can understand, but if not, I do not. Therefore I submit that unless the system is altogether changed in the Act and unless the well-known principle of appointing the Chief Minister from the majority group is adopted, I think there will be so much bickerings among the parties and the leaders would feel themselves disgruntled that the Ministry will soon come down. This is one of the cardinal points which ought to be given attention to by the framers of the Act.

As regards the other things I would like to have said much, but I do not like to trouble this House with my remarks on them. I cannot wholeheartedly support the Joint Committee's Report. The reasons are many and it has been clearly laid down and expressed in this House by more than one speaker. Although I do not see eye to eye with the policy of the British Government, I am able to say now that I am one of those who felt themselves convinced by the declaration of Sir Samuel Hoare at the end of the third Round Table Conference. He endorsed every word which the first Round Table Conference endorsed and which Lord Reading on behalf of the Liberal Party clearly stated. I was one of those, but when I found that the proposals contained in the large-minded declaration of Sir Samuel Hoare were whittled down by the White Paper and further by the Joint Committee's Report, I thought there was much to say in favour of those who do not see eye to eye with the report. I am not one of those who would indulge in communal matters and I think I should advise my Hindu friends not to indulge in them any more, because the more they would indulge in them, the more strongly the Muhammadans will support the communal award. If they had not done so, better sense would have prevailed, but in the

tense atmosphere of communal fight good sense cannot prevail. From this point of view I would request them not to deal with it any more. I for one am convinced that this sort of arrangement cannot be permanent, that a system under which the Moslems have felt the injustice cannot be supported by them for all times. It violates one principle, namely, the principle of appeal to the country. Supposing a Moslem Government misuses its powers, my friends the Hindus will not be able to reduce its power——

(The member having reached the time limit had to resume his seat.)

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, after prolonged protracted chapters of discussions and debates in which reports of Commissions and Committees have been added to the formidable list of political and constitutional documents we have now almost arrived at the concluding chapter, and before the Parliamentary Bill is passed into law, this will possibly be the last opportunity for expressing our views on the constitutional proposals as finally worked out by the Joint Select Committee. The Montagu-Chelmsford Reforms were inaugurated in 1921 and in Bengal we have seen the working of the diarchical system possibly at its best and certainly at its worst. For about eight long years, statesmen, politicians and thinkers in India and in England have been considering and reconsidering the problems of the future governance of India with view to devise a better mechanism of governmental structure. But the process of reconstruction has been a lengthy one; our expectations have been long deferred, and we are waiting almost impatiently to have a glimpse of the future, or to say "good bye" to the system what is still with us.

In discussing the report of the Joint Select Committee we have to pass our judgment with reason and common sense and not forget the realities in the pursuit of a vision and an ideal, who is there in this world, who would not be happy to see immediately all his dreams realised or the ultimate ideal and objective immediately attained? Who is there who would not be an enthusiast for what is termed the Purna-Swaraj? But it is neither good statesmanship nor sound logic to persist in an attitude of perseverance in an immediate unattainable demand and to spurn what we have, in the pursuit of what must be to-day at best but a distant ideal.

Permit me, Sir, at this stage, to take a hurried glance at the past that is ushering the dawn of the future. And let us not run away from the stern logic of hard facts!

For about 150 years the British have come to this country. For the last 150 years Indian culture has been a blending of the two civilizations —the East and the West. You can see it in our art, architecture, in

industry and commerce, in customs and practices and even in our ambitions and aspirations. There can be no mistaking the influence of the British in all activities and in all aspects of our life.

Those therefore who are thinking of building up the future will be mistaken if they visualise the future constitutional development of India with no place for the British, and their work of the last 150 years. India is the land of ancient culture. Here came the many tribes and races to be absorbed and Indianised. Then came the Moslems blending the Indo-Aryan and Semitic culture. In process they have become children of the soil; then came the nations from Europe and they have also profoundly affected Indian life and thought. The number of the British in India may be indeed small. But whatever their number may be the existence of the British in India is a fact which cannot be forgotten in determining the governmental machinery of the future. Bemoan if you like, curse your fate if you please, but there cannot be going away from the inexorable fact that the entire machinery is for all purposes in the control of the British to-day. The transference of that power from the hands of the British Parliament to the people of India is the problem of the present. Is it seriously expected—I am not speaking to those who are mere idealists and visionaries, who run away from cold logic of facts, who would not look at the surroundings around but I speak to those who will surely judge the present by the realities of the situation—that the constitutional machinery of the future will be shaped in a way that will not take note of the existing British interests in India, their trade, commerce and even the British people living in various parts of this country? Frankly speaking, I have no such illusion in the matter. However, one may desire or hope for, and however idealistic one wishes to be, there is no running away from this fact that for 150 years we have had British rule in India. At such a time, therefore, when the governance of this country is being transferred to the people, to the Ministers responsible to the Legislature, I am sure of one fact that no constitution can be devised or satisfactorily worked if it does not take due and proper note of the history of the last 150 years. It is not statesmanship to deny it or to expect that the constitutional machinery will not take note of this broad fact in Indian history. In saying so, I am far from claiming that the details proposed in the successive reports and lastly in the Report of the Joint Select Committee are all what they should be or there is no scope for further improving upon them. There is no stage in human history when there may not have been something better devised or something less objectionable resorted to. Yet our actions in any fixed moment is at least a sort of rough compromise in which something we may not like as to be accepted with a bundle of good and it will be mere folly on our part if in judging the whole frame-work we only think of the black spots and not considering the structure as a whole. Think of the enormous changes that are being brought about. The electorate, the basic foundation of government, is to be increased to many millions.

The Lower House in the provinces is to consist only of the elected representatives of the people. There will no longer be the official bloc to save the Ministers from the decision of the majority of the elected representatives. And I think it will be an answer to Maulvi Syed Majid Baksh, who thinks that they will be able to flout the Legislature, although the Ministers will be chosen by His Excellency they will be ultimately responsible to the House, which will determine against any measure that they would bring about, including any financial measures during the budget time. Sir, that will be the ultimate safeguard, and I think that is the best way in which the Legislature can control the executive.

Maulvi SYED MAJID BAKSH: In a very roundabout way.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I have not yet known of any shorter way in which the Legislature can control the actions of the executive. Even in the British Parliament or any other Legislature in the world the only way in which a no-confidence motion can be passed is to refuse the supply of funds to a Minister or to throw out a measure brought about by a Minister. Take the problem of primary education and the Hindu-Muslim question. For the last eight years we have been deliberating over the last question. There were sittings of the All Parties' Conference, and the Congress in Calcutta, which many of my friends here attended and which sat night after night. There were statesmen sitting at round-tables, including men whose leadership and statesmanship cannot be questioned; and yet we have not yet been able to come to an agreed solution. Sir, the facts are what they are. In the face of the fact that no proposal of Indian reforms has received the acceptance, I sometimes feel the tragedy of the situation. When we see the statue of the late Mr. Montagu, we remember how when his reform proposals were first adumbrated, they were received, and when I look at the statue I feel how they were received in this country by certain sections of the people. I, therefore, feel that if he were alive to-day, he would have repented for what he had done; yet time has shown that what he did was for the good of India.

Again, when the Simon Commission came out to India, they were welcomed with all sorts of cries, such as "Shame", "Go back Simon"; yet I was glad to find that Mr. S. M. Bose admitted that the Simon Commission's proposals were better. This has been the tragedy of Indian politics. We have now condemned the Joint Parliamentary Committee's report all round, without caring to see whether it is for the good of India, and considering the proposals in their proper perspective.

Sir, only the other day Mr. J. N. Gupta made a fervent appeal for a generous gesture on the part of the Muhammadans. I for myself would be very glad even if at this stage the two communities in India can come up to an agreed conclusion. But let us not forget that we have

for the last 8 years quarrelled like anything even in national emergencies. Essentially the primary problem of India is how best to adjust the differences between Hindus and Muhammadans. We have had sitting of the All-Parties Conference in 1928, we have had the Congress session in Calcutta to discuss the Report of the All-Parties Conference. We have seen how Indian statesmen tried and failed to settle up their differences at the Round Table Conference; let us place our hands on our hearts and say whether we have yet been able to come to a satisfactory decision in the matter. No, we have always been too self-centered to look beyond ourselves and have not even attempted to effectively understand the real problems.

The responsibility of the Governors' provinces is in the main and in matters of ordinary administration fully transferred to the Legislature through their representative Ministers. It is true that in certain matters of details the decision of the Joint Select Committee has not met with widespread acceptance in the country but let us not forget that the responsibility for that entirely lies on ourselves, the peoples of this country. We are so unfortunately placed in India, our visions have been so blurred in the past by considerations of narrow superficial interest that even at moments when we are required to take up momentous decisions we have been as widely divided as ever.

Take any expression of public opinion to-day. Do you find that there is any sagacity or sympathy behind these expressions?

Only last week the Report of the Moslem Education Advisory Committee was published. The Committee was presided over by a distinguished member of this Council—Khan Bahadur M. A. Momin. As you read the newspapers what do you find? There is no attempt to go behind the problems, there is complete lack of knowledge and much less of sympathy to appreciate the issues involved.

Is this a spirit of generosity with which a subject like Muhammadan Education has been treated? I would have been profoundly grateful if the newspapers had genuinely attempted to find out wherein the reports were defective or suggested means by which Muslim education might progress. Instead, we had sterile criticism—a criticism which is all the more remarkable in that it practically summarised the present partition which stands between the two great communities of India and how they have begun to look at each other. But quite apart from this fact, those who are aware of the history of events of the last few years will remember that whether in communal allocation or otherwise when the great Hindu community has come forward with a generous gesture and in a spirit of understanding, the Mussalmans have never lagged behind or been less responsive. Mr. B. C. Chatterjee at one stage was extremely anxious for a settlement of the communal question and let him answer whether the Muhammadans were in any way behind in tackling and settling the question. In reverting back to the report of

the Joint Select Committee I must say that the report has not also been satisfactory from the Muslim point of view. The views of the Muslim community have by this time been perfectly well known and their points of difference from the main report of the Committee have also been expressed in more than one quarter. Disappointing though the Report may be not being able to meet the Muslims views in these matters and also as not being able to meet the general Indian demand in other matters, our attitude to-day is a perfectly plain and simple one that the sooner the present state of things is brought to an end the better for everybody concerned. India stands not to lose but to gain by the acceptance of the new Reforms. She stands to advance if she works the future constitution.

Mr. P. BANERJI: Sir, it is very difficult, owing to shortness of time, to do full justice to this matter or to discuss the whole scheme. But it was very interesting to listen the other day to the contribution to the debate made by Mr. J. N. Basu, the Liberal leader. He condemned the Reforms, and he said that it was a negation of constitutional advancement. Yet, on the other hand, his lieutenant—the Hon'ble Sir Bijoy Prasad Singh Roy, who, I find, is not present at the moment—said that it was a step forward and that there were safeguards like those proposed in the constitution in the British constitution also. I may say, Sir, that there are no such safeguards in the British constitution. It was also interesting to hear the speech of the Muslim leader, Khan Bahadur Abdul Momin, and also to the speech delivered this morning by Maulvi Tamizuddin Khan, the Secretary of the Praja Party. They accused Maulvi Abdus Samad of being a member of the National Party, and that is perhaps the reason why Maulvi Abdus Samad, under the leadership of Pandit Madan Mohan Malaviya, is a nationalist. I will prove to you, Sir, in a minute that the report is not acceptable at least to persons that are possessed with an iota of nationalism.

Sir Edward Benthal made a remark that we Indians should not be suspicious of Britishers in this country. He said that Europeans are quite eager to support us in our industrial development and regeneration, and by way of an example he quoted the Sugar Scheme. Might I inquire the reason for this? It is a well-known fact that the sugar industry is mainly controlled by British firms—Messrs. Begg Dunlop & Company alone control 22 mills. When the competition was going on with Java, it was natural for the British firms to protect their own interests, and they did so not in the interests of the people of this country.

Sir, to put it most mildly, it is a scheme of Reforms unworthy of a great nation to offer and unworthy of even a small nation or a helpless subject people to accept.

A great nation in its dealings with a weak people can at least be expected to be frank and honest in its professions and dealings. Its

frankness may be sometimes brutal. Its honesty may be sometimes oppressive. But it should not wear the mask of hypocrisy and call a spade something other than a spade.

A weak people even like the Indians ought not to accept such a gift. Not because it has little substance in it, but because it would be suicidal because it contains the seeds of disruption which in their noxious growth will strangle nationalism and split the Indian people into warring camps of conflicting communities and vested interests. It will spell disaster to the growth of nationalism in India. There will be an outward show of popular Government, while the real power will be exercised by the British Cabinet in the interest of the British people through the Governor General, Governors and the Civil Service. The additional cost of this precious scheme will heavily increase the burden of the costliest administration in the world which has already become unbearable for the poorest people in the world. The ignorant masses will hold the sham Legislature and puppet Ministers responsible for all their ills and every class will blame every other class for their woes of life. Discord and disunion will be rampant in the land and the only solution of the ills by a concerted national action will become more and more impossible as years roll on.

That this is not at all an exaggerated picture will be borne out by an examination of the broad outlines of the scheme. (*a*) The Reforms have been preceded first by the creation of a Statutory Railway Board. By this the policy of Railway transport which includes the vital question of railway freights is removed from the control of Legislature and Ministers. For many years it has been strenuously urged by the leaders of Indian people and representative business men that the policy of railway freights which makes the cost of Punjab wheat greater than Canadian or Australian wheat to Bombay or Calcutta, which makes it possible to sell South African coal in Bombay cheaper than Jharia or Raneegunge coal, has been strangling the agriculture, industries and commerce of India. But now the solution offered by this Reform Scheme is that the people must have no voice in shaping or altering the policy of railway transport.

It does not stop there, the next condition precedent is the creation of the Reserve Bank. This Bank is also to be entirely free from the control of the Legislature and the Ministers. And this Bank will lay down the policies of currency credit, and exchange upon which depend the growth of agriculture, industry and commerce of the country.

The previous scheme is to be preceded by these two great blessings. However you may misread or misinterpret Indian history, one fact stands out clear that when the British came into power, India was the richest country in the world and after a century and a half of British Rule it is the poorest of all the great countries in the world in spite of

her great natural resources. India is already a bankrupt nation, it cannot now meet its annual expenditure out of its annual income, but has to spend its capital to keep your costly administration and ruinous exploitation going on. This is evidenced by the huge drain of gold which was over 2 crores in this week before last and exceeds 200 cores in the course of the last few years. The only rational solution would be to cut down the cost of the administration and to allow the people to increase their national income by the expansion of their Industries and Commerce. But the precious scheme establishes just the opposite conditions. It increases the cost of administration and takes away from popular control the policies for expansion of the Industries and Commerce of the country.

To sterilise even the little possibilities of the economic development under the above conditions the precious scheme invests the executive heads with special powers to prevent any discrimination against British people in this sphere which in other words means the protection of the privileged position. They have already gained through the weapon political power, dominating the entire economic situation in India.

While the above innovations have been screened from view by antecedent measures, the position of the executive as outlined in the scheme is more patent. Under various classifications of Reserve Powers, Safeguards and Special Responsibilities the substance of power is reserved to the heads of the executive and only an outward show of responsibilities is conceded to the Ministers. Even the Civil Service that will carry out the administrative work is removed from the control of the Ministers as a second line of defence from the inroads of these puppet Ministers. This is the brand of responsibility that is conceded to the popular Ministers. This is a very ingenious device to divert the attention of the people groaning under burdens from the Executive head that really wields the power to the puppet Ministers who will be made ostensibly responsible for all the policies of the Government. The essence of the constitution of the executive branch is that the real administration will be directed by the Cabinet in England in the interest of the British people through the Governor General and Governors while the puppet outcry of the people against all the evils will be against these powerless and puppet Ministers. And in the eyes of the world it will appear that popular government conceded by the generous British to barbarous India has failed ignominously. This is the most cunning device to perpetuate British rule and British exploitation in India.

To add insult to injury it has been proclaimed by many great Commoners and noble Lords in both the Houses of Parliament that the powers reserved to the executive heads exist in the conventions of the Constitution and that what is latent in the British Constitution is only made patent in the Indian Constitution. We are seriously asked to believe

this and it has already created a confusion in the minds of many of our constitutional Pandits. To clear up this misconception, I shall refer to the Laws of England by Lord Halisbury, recognised as one of the greatest authorities on the subject.

Constitutional checks on the improper exercise of Executive authority by the Crown are thus set out in Volume VI, page 382.

Though in consequence of the Legal attribute of perfection the King can do no wrong and therefore no remedy is provided by law against the Sovereign in person or his Ministers in their official capacity for wrongful acts, certain restraints are imposed by the Law and Custom of the Constitution upon the arbitrary and improper exercise of the Prerogative First:—Where the subjects refuse to comply with what appear to be unjust and illegal demands made by the Crown, the Ministers and Servants of the latter in order to enforce obedience must have recourse to ordinary tribunals of Justice. Upon any doubtful point of the Prerogative Crown and its Ministers must therefore follow the decision of the Legal Tribunals.

Maulvi ABUL QUASEM: It is very difficult, Sir, in the limited time at my disposal to express my thoughts here on all the different problems arising out of the Report of the Joint Parliamentary Committee. One has perforce to select some of the topics on which one strongly feels. I should first mention the question of Dominion Status. Sir, the Viceroy has publicly stated that the idea of the goal of India is an honoured and absolute partnership with the other Dominions of the Crown. Mr. Baldwin is reported to have declared that all pledges which have been given in the past shall be honoured. We have been told by other statesmen that it is Dominion Status that the British statesmen have in view. Why, Sir, then all this unwillingness on the part of the Joint Parliamentary Committee to recognise this fact explicitly and clearly in the Report that they have submitted? The Report quotes with approval the preamble to the Government of India Act of 1919, as setting out finally and definitely the "aim of British" rule in India to be the progressive realisation of responsible government in British India as an integral part of the British Empire. Sir, if this is the goal of India as defined in the Statute, the pact between Mr. Gandhi and Lord Irwin (now Lord Halifax) definitely recognised that Dominion Status would be the ultimate attainment of India. But now British statesmen are fighting shy of using this phrase in the Act which is going to be the outcome of the Joint Parliamentary Committee's Report. There is no doubt that there is reluctance on their part to embody this phrase in the Constitution Act itself, and very probably on account of the fact that all the implications of Dominion Status would not be conceded to us. Sir, I think public feeling is rightly agitated over this.

Then, Sir, there is the idea of an All-India Federation. That is no doubt a grand idea. To effect the unity of India as a whole, Indian India as well as British India is a great ideal to strive for, but, Sir, if one has got to face facts, one must recognise that the princes are vacillating, they are never making up their minds finally, they are advancing one step and receding two steps. If on the uncertain minds of the princes of India is going to depend the All-India Federation, possibly it will only remain a dream, and never be realised. Why should British India be asked to wait upon the pleasure of the princes and why should not British India have a Federation of its own, a Federation responsible to the people of British India?

Then as regards the election to the Central Legislature, Indian opinion is almost unanimous that the election should be direct and not indirect. The Joint Parliamentary Committee has recommended that the elections should be indirect. There is cause to fear that proper men will not be returned to the Legislature. The electorate—that is the provincial Legislature—will be too small and too narrow. This is, Sir, a most unsatisfactory feature of the proposed Reforms. Coming to our own province, Sir, much has been spoken about the Communal Award. The British Government and the British people are not responsible for this Award. If the Award is there, it is the people of India and the peculiar condition and mentality of the people of India which are responsible for this. That should be a well-recognised fact. We, the Moslems in Bengal, do feel a legitimate grievance about the fact that we have not been given as many seats as our number entitles us to. Most unjustifiably we have been given less seats than are our due. Mr. J. N. Gupta wanted the Moslems to be generous to the caste Hindus by giving up some of these seats. I do not understand in what way the Moslems can be generous to the caste Hindus when they—the Moslems—are themselves smarting under a sense of ungenerous treatment. The attitude of the caste Hindus brings to my mind the very patent fact which is not admitted by them readily, that they are not a whit less communal than the so-called communally minded Moslems. The caste Hindus are not in a majority in this province. When they speak of Hindus, they mean only the caste Hindus. There is a great body of Hindus known as the depressed classes, now given the dignified name of scheduled castes. They do not come into their picture at all. These scheduled castes have not raised their voice against the Communal Award. It is said that by this Communal Award the Hindus are going to be crushed. I do not understand the meaning of the word "crushed." If the claim of the caste Hindus be true, namely, that they form a community which possesses wealth, education and all those things which go to make them fit for governing the country, why should they feel nervous simply because they have been given a few seats less than they have expected? Their number will be 50 or 60,

but if they are really patriotic and truly nationalist, if really they have got the requisite training, culture and capacity which would fit them to govern the country better they will certainly influence the Legislature and government of the country far in excess of their actual number in the Legislature. They need not at all feel nervous that they are not going to get justice.

Sir, one recommendation of the Joint Parliamentary Committee regarding the recruitment to the High Courts has been referred to by Mr. S. M. Bose in his opening speech. I am in agreement with him regarding what he says about the recruitment of Civil Service men to the High Court judgeships. Those who are in a position to judge of the work of I.C.S. Judges, and of Judges recruited from the Bar will readily recognise that there is a vast difference between the two classes of men. Those who are competent to judge will readily agree that it is only those people who have been trained at the Bar can really do justice between man and man satisfactorily according to law. No Civil Service men are recruited as Judges in England; only trained legal practitioners are recruited. Why should there be any difference in India? India's Bar is rising daily in calibre, capacity and experience. There is no fear that the proper type of men will not be available from the Bar. Why should this retrograde recommendation be accepted?

Then there is another recommendation that the I.C.S. Judge might look forward to becoming the Chief Justice. That, Sir, is a recommendation which must be most vehemently condemned.

Sir, I am in hearty agreement with what has been said by my friend Maulvi Tamizuddin Khan so far as the cost of the Reforms is concerned. One recommendation of the Joint Parliamentary Committee, namely, the constitution of a Second Chamber in the provinces cannot but meet with utter disapproval at our hands. By a resolution passed by a majority of this House it was recorded that no Second Chamber was wanted in this province, but still this province is going to be saddled with a Second Chamber, and this in the face of the fact that the whole basis of the Reforms is laid upon a precarious state of finances. Lord Linlithgow, Chairman of the Joint Parliamentary Committee, is reported to have expressed himself to the effect that the proposed Reforms would be successful if only the price level of agricultural products followed the course which might be reasonably expected, but if there was a further fall in the price level of the agricultural products, then the Reforms would be too costly to be borne by India. If such is the precarious state of the finances on which much depend the success of the Reforms, how can you dare to impose upon the provinces the luxury of a Second Chamber? There is the Governor exercising his right of veto. If you want hasty and ill-conceived legislation to

be stopped, is not the Governor with his special powers and responsibilities, capable of putting a stop to it? Can you not wait till better times come and till you find from experience that there is actual need for a Second Chamber to put a check upon hasty and ill-considered legislation? If you would thrust a Second Chamber upon the provinces, regardless of the costs involved and of the inability of the province to bear them the prospect of the Reforms bringing real relief to the distressed masses will be gloomy indeed.

(Here the member reached his time limit and resumed his seat.)

Mr. ANANDA MOHAN PODDAR: Sir, let me in the first place congratulate Lord Linlithgow and his colleagues in the Joint Select Committee of Parliament on the completion of their stupendous task and the publication of their admirable report dealing with problems of undoubted complexity. Though the recommendations of the Committee have not been acceptable to Indian public opinion, nay have turned out to be more cautious than the proposals of the White Paper itself, we are bound to admit that the Committee has shown great statesmanship in not rejecting the scheme of partial central responsibility and Federation with the Indian States out of a deference to the persistent agitation of the Die-hards in England. But while giving this much credit to the Committee in this behalf we must point out that in trying to meet the objections of the panicky Die-hards and the princes of India who are insisting on their own terms in joining the Federation, the Joint Select Committee has whittled down some of the proposals of the White Paper. On the other hand Indian public opinion has very little effect on the recommendations of the Committee—witness the fate of the Joint Memorandum of the British Indian Delegates. Nay where the Committee have been unequivocal in admitting the justice of any representation of the Indian people, they have not been able to give any practical relief to the aggrieved party. Witness again the open acceptance of the charge of inequity against the Poona Pact and the implied acceptance of the charge of inequity against the communal decision. The Association which I represent in this Council had the honour of being invited to give evidence before the Joint Select Committee and in the Memorandum of Evidence we said:—"The communal question is a very delicate matter to be dealt with by a non-communal trade chamber like ours, but the grievous wrong done to the Hindus of Bengal has so agitated the minds of the politically-minded people that the new constitution will have very little chance of success unless the decision of His Majesty's Government is modified in the light of the existing facts of the situation. But apart from that consideration justice and equity demand its revision and an equitable allotment of seats among the Musalmans, the Hindus and the so-called depressed classes (if any) in Bengal." It is a matter of some satisfaction to my Association that

the Joint Select Committee has admitted the charge of inequity and unworkability of the scheme with regard to Communal Award and Poona Pact advanced by my Association and has on the motion of Sir Samuel Hoare and Mr. Butler recommended its revision to facilitate the working of Reforms in Bengal, but the machinery recommended for such revision is so vague and indefinite that nothing is likely to materialize out of this proposal unless Parliament intervenes for the righting of the wrong. I am glad to note that responsible leaders of the depressed classes also are alive to the situation and my friend Rai Sahib Sarat Chandra Bal made a very happy gesture in this respect the other day.

Leaving aside any detailed examination of other proposals which it is impossible to deal with in the time allotted I consider it essential as a trade representative to draw the particular attention of this Council to the proposals of the Report bearing on the development of Trade, Commerce and Industry of India. In this respect the recommendations of the Joint Parliamentary Committee are definitely of reactionary character and the proposals in the White Paper, in themselves unsatisfactory, have been rendered further unacceptable to the Indian public. The White Paper provided for safeguards against administrative and legislative discrimination against British commercial interests and British trade in India but the Select Committee evidently under pressure from Lancashire, proceed to consider the question against British imports also. From the very beginning to the end, the Joint Committee appear to be obsessed with the fear of impending measures designed by the future Indian Legislators (not with the object of fostering Indian trade, but of injuring and excluding British trade (paragraph 344)" and have therefore recommended the adoption of every possible precaution, restriction and safeguard with a view to protect British trading rights in India, no matter how injurious these recommendations may be to the interests of India. It appears that the existence of future Indian Legislators interested in enacting measures "not in the economic interests of India but with the object of injuring the interests of United Kingdom" has come to the members of the Joint Select Committee as a new and sudden discovery and they have therefore deemed it necessary to formulate these precautions, restrictions and safeguards in addition to those of the same category already included in the White Paper.

In order to provide against the suspected possibility of a future discrimination against British imports the Joint Committee recommend that the Governor-General's special responsibility should be used to prevent the enactment of such measures which are "discriminatory or penal, though not in form but would be so in act directly or indirectly." As practical politicians they further suggest that the Governor General's (and also Governor's) Instrument of Instructions should contain specific

provisions conferring on him (and them) the necessary powers covered by these recommendations.

Dealing next with the problem of Administrative and Legislative discrimination the Joint Committee suggest that "it is the duty of the Governor Gentral and the Governors in exercising their discretion in the matter of assent to Bills not to feel themselves bound by the terms of the Statutory prohibitions in relation to discrimination but to withhold their assent from any measure which though not in form discriminatory would in their judgment have a discriminatory effect." (Paragraph 357.) After emphasising the fact that this discretion of the Governor General and the Governors in the granting or withholding of assent to all Bills of their Legislature should be free and unfettered, they further recommend that the Instrument of Instructions of the Governors and the Governor General should "require him if in any case he feels doubt whether a particular Bill does or does not offend against the intentions of the Constitution Act, in the matter of discrimination, to reserve the Bill for the signification of His Majesty's pleasure." (Paragraph 357.)

This is not all. In their anxiety to secure every avenue for the benefit of British enterprise, the Joint Committee think that "separate provision should be made for the case of ships and shipping; and it should be enacted that ships registered in the United Kingdom are not to be subjected by law in British India to any discrimination whatsoever, as regards the ship officer or crew or her passengers or cargo, to which ships registered in British India would not be subjected in United Kingdom. (Paragraph 354.)" This is a travesty of reciprocity under the guise of which this special treatment is accorded to British shipping. For what reciprocity can there be between the nascent Indian shipping confined up to now to coastal trade and the almost impregnably entrenched British shipping? The net result of this recommendation will be that Indian shipping will never be allowed to be protected even when threatened with complete annihilation in the very Indian waters. Having assured themselves by these recommendations that the possibility of discriminatory measures will be thereby buried deep and low, the Joint Committee take up the question of granting subventions and subsidies to companies in India. They themselves prescribe that "It may be made a condition of eligibility for the grant that the company should be incorporated by or under Indian law, that a proportion of Directors (which should we think not exceed one half of the total number) shall be Indians and that the Company shall give such reasonable facilities for the training of Indians as the Act may prescribe." (Paragraph 356.) But when it comes to the application of this provision they suggest that companies already engaged at the date of the Act which authorises the grant in that Branch of Trade or Industry which it is sought to encourage should not be subjected to this condition (and therefore should be entitled to the benefit of the grant

irrespective of their non-Indian composition) but that such companies only as are engaged in the said trade or industry subsequent to that date of the said Act should be so subjected. It will be obvious to anyone that in actual practice companies subsequently engaged will be extremely rare and that the real benefits of subventions or subsidies whenever proposed in future will be shared alike by companies Indian and non-Indian.

These recommendations and safeguards against commercial discrimination are calculated seriously to interfere with the economic development of India and are largely inspired by a regard for the British commercial interests. These proposals are not only retrograde and reactionary but they seek to nullify even the small amount of fiscal autonomy at present enjoyed by India under the fiscal convention. For according to the recommended proposals, these are all matters in the sole discretion of the Governors and the Governor General and there is no standard prescribed by which discrimination necessitating the use of special responsibility is to be determined.

Sir, I very much appreciate the happy words uttered by Sir Edward Benthal in this connection, and the assurance given by him that these discriminatory proposals will not be used to the detriment of the Indian trade.

I can assure him that the Indian traders are never hostile to the British Trading interests in this country and in fact they prefer connection and co-operation with the British than any other nation because they find more of honesty, straightforwardness and business instinct in the British than in anybody else. But at the same time it must be noted that the Indians apprehend that these powers once gained will be wittingly or unwittingly used to the detriment of Indian trading interests, and once included in the Statute will never be forsaken.

Again by their recommended reciprocity as applied to shipping they have washed away the labours of the Indian Marine Committee and finally wrecked the hopes of an Indian Mercantile Marine being ever established. And what is more, by the very simple expedient of confining the scope of the recommendations of the External Capital Committee to Companies "subsequently engaged" as mentioned before, they have effectively closed the door for encouraging indigenous industry by legislative grants.

Perhaps themselves feeling that they have gone too far in their "safeguarding attitude" the Joint Committee naively suggest that a friendly settlement by negotiations is by far the most appropriate and satisfactory method of dealing with this complicated matter and that "an appropriate convention based on reciprocity should be entered into for the purpose of regulating these rights." But in this apparently pious profession of good faith the Joint Committee seem to forget that a convention is to be entered into between two parties and that the

party which has gained everything it desires is not likely to countenance any such negotiations unless it was compelled to do so. When British commerce is protected and safeguarded in all ways devisable why should it think of conventions and pacts unless they promoted British interests?

Granting however that a convention of this kind whether favourable or otherwise were concluded between United Kingdom and India what would be its effect on India's general powers of concluding commercial agreements with third parties. Anxious to leave not even the slightest freedom for India, the Joint Committee think that though India and United Kingdom must approach their trade problems in a spirit of reciprocity which "does not preclude either partner from entering into special agreements with third parties for the exchange of particular commodity where such agreements offer it advantages which it cannot obtain from the other" (paragraph 346), this spirit of reciprocity must imply according to them "that when either partner is considering to what extent it can offer special advantages of this kind to a third party without injustice to the other partner, it will have regard to the general range of benefits secured to it by the partnership, and not merely to the usefulness of the partnership in relation to the particular commodity under consideration at the moment" (paragraph 346). This recommendation is bound to cause an appreciable shrinkage in the total advantage derived by India from her Foreign trade.

As though this is not enough the Joint Committee recommend the separation of Burma and Aden which have long since formed administrative divisions of India, a recommendation which is bound to disturb the established trade relations between India and these parts and ultimately narrow down to that extent the existing scope for Indian trade and Industry.

Sir, I cannot account for the panicky behaviour on the part of the Britishers for the protection of their trading interests. The bulk of Indian opinion is never against any reasonable claim of British commercial interests in India. Considering the vast nature of the business built up in India by the British community with their capital over a period of more than a century and a half it is only natural that they are zealous about guarding it against any hasty exercise of new-found powers by Indians. But the authors of the report have totally forgotten that British trade cannot be maintained by the imposition of all sorts of safeguards in the report or by force of any kind upon this country. Goodwill and mutual co-operation—and not the distrust of the people of this country that is writ large in the pages of Joint Committee Report—are the only remedies for maintenance of peaceful relations and trade between United Kingdom and India. And the Industrial interests of United Kingdom would be gravely mistaken if they believed that any peaceful and final solution in regard to these matters can be

achieved by imposition of conditions and safeguards in the Constitution Act for maintaining their trade, in disregard of its effect on the development of India.

Sir, by tradition and by association the Indian public in general want as I have said before the continuation of economic relations with the British in preference to other people. But such relation must be mutually beneficial and there must be no domination. British trade in India must depend on sympathy and genuine support of the Indians and otherwise no amount of safeguard can help it indefinitely. This reactionary British spirit is bound to have very serious repercussions on Indo-British relations. It will only serve as a reminder to Indians of their state of utter helplessness and create increasing discontent in the country.

Rai Bahadur JOGESH CHANDRA SEN: The Report of the Joint Parliamentary Committee is now before the country for sometime past and we are glad that an opportunity has been given to us to record our views. Many of the comments, criticisms and suspicions could be avoided if the future goal was defined correctly and clearly in the report. Not a word has been said on this point anywhere in the report. We are however quite thankful to Sir Edward Benthall for his very clear expression and sympathetic views in the matter. We would anxiously wait for the actual realisation of the picture drawn by him and so clearly given assurance of by His Excellency the Viceroy on Wednesday night. India really wants equal partnership within the Empire with the other Dominions under the Crown, *i.e.*, Dominion Status. Our country is anxious to have a declaration from the Parliament that Dominion Status would be granted within a specified time. If this is done then we need not trouble ourselves with the other details which would naturally be subject to changes at different stages. We are thankful to the Hon'ble Sir Bejoy Prasad Singh Roy for pointing it out and pressing it. British rule did a lot of good to the country and they held the trust as sacred all along. Now that the people have grown up and acquired experience and learnt the art of administration they should be given opportunities to steer the wheel. It is a legitimate demand which is fully recognised by a section of the British public. If no declaration is made then this reform would be regarded as a document full of suspicion, mistrust and only containing some diplomatic phrases and jugglery. It would then be like handing over an iron safe full of treasure and gold, without any key. Through this House I appeal to the members of the Parliament to clearly define this goal and bring about contentment in the land. Sir, now I would briefly touch on two other points, viz:—

First, the Poona Pact and Communal Award. We all sections of the Hindus and Muhammadans were living peacefully in the province as one great family but unfortunately there is a cleavage now and

this is mainly due to these Pacts and Awards. Is not it funny that non-Bengalees at Poona decided the question. A hammer and a tiny nail like that of the Pact and Award are sufficient to break a lump of ice or even a solid rock.

The next point is safeguards. Some safeguards are certainly necessary so that the administration may not be paralysed at any stage. Safeguard is necessary to save the minority from the oppression of the majority, safeguard is necessary to save the people from oppression which may come from various unknown directions. If there be any element of trust in the matter of administration then some of the safeguards would not be necessary. I would cite one instance only. You are trusting your Minister and you expect your Minister in charge of Law and Order to take drastic action in time of need but at the same time you deny all first hand knowledge to him and this is in the name of "safeguard." Can this be, Sir, really called a serious proposition? There must be shrewd suspicion underneath, otherwise such safeguard cannot be conceived of. This needs substantial modification.

Next regarding Provincial Governors; when a Governor who is after all a human being is being armed with so much power in the shape of safeguards and special responsibility the legislature should also be given the power to examine the action of the Governor and if it is found that successive mistakes are being committed then the Governor should be recalled on the recommendation of the legislature to the Parliament. Diehards on both sides have been doing immense harm to both the countries; let us be practical; let the issue be not clouded. No one should think that the game of one cannot be seen by the other. Love and let live should be the only guiding principle. We assure the Parliament that we the Hindus are equally anxious to work the reforms and we want to demonstrate by our action that we are fit to enjoy the confidence that may be placed in us, and we want to show that admission of India as a co-partner of Great Britain means a triumph of the British nation and India would always be the Kohinoor of the British Crown. I would appeal to Parliament to give the country a chance to develop its fine instincts and ultimately bring about peace in the world. The world is big enough to accommodate all the nations to live in peace and harmony.

Mr. MUKUNDA BEHARY MULLICK: Sir, at the outset, I must frankly confess that it has been rather difficult for me to understand what is meant by a motion of this nature, unless it means a little bit of talking at the cost of public time and public money. For, we find that the report, of which we are now speaking, has already been accepted by the Parliament, and perhaps the Home Government will now proceed with the new Government of India Bill for the Reformed Constitution before proceedings of this debate may be expected to reach them. There

is however a tendency—a special one indeed—in some to come forward with special ideas, and I find the mover is an expert in introducing special motions; and whenever there has been any occasion for motions of this nature, Mr. S. M. Bose is always ready with them. But what has been the effect of these special motions? A special motion for the establishment of a Second Chamber was rejected by this House on the 25th November, 1932, although our non-official European friends including Mr. W. H. Thompson voted for the same. But what do we find now? It has been incorporated in the Report of the Joint Parliamentary Committee.

There were special motions regarding the Financial Resettlement for Bengal—and a criticism of a very severe nature was levelled against the Meston Award. Questions of Jute Tax and Salt Tax were also discussed. But had there been any practical benefit of the same? We heard a lot about the Jute Tax during the last Budget Session from the Hon'ble the Finance Member. But what do we find now? We were told the other day that unless Bengal could raise sufficient revenues from out of her own resources, she could not get any portion of the Jute Tax. And the only source of revenue the Government could think of tapping was by raising the Court Fees, and this seemed to be one of the grounds for the Government to come forward with the amending Bill with abnormal changes for an enhancement. How hard it will work, will be felt by everyone irrespective of any communal consideration whatsoever.

Next during the investigation on the question of the Franchise and the system of Election under the coming Reforms, the opinion was perhaps unanimous that all Elections for the Legislatures must be direct. And what do we find now? Indirect Election has been recommended for the Federal Legislature.

Mr. S. M. Bose's complaint is that His Royal Highness the Duke of Connaught made mention of it while inaugurating the Reformed Bengal Legislative Council in 1921. But he forgets that it is not that expression upon which the Government of India Act of 1919 was based. This was based upon the declaration made by the Secretary of State—late Mr. Montague—on the 20th August, 1917, wherein it was said that it was the intention of His Majesty's Government to establish Responsible Government in India within the British Empire and secondly this was to be achieved by gradual stages. The first of the steps to be taken would be to lower the Franchise so that a larger section of the people can have a voice in the Legislatures and the next was to appoint the Indians to higher administrative posts so that they might have a training in controlling an administration of such a vast dimension.

It is neither the time nor the place to enter into a critical examination of events that have happened since the last Reforms of 1921. But we find that the costs of administration have gone very high by leaps and bounds. We have heard so much inside the House and outside it that there must be greater resources for Bengal otherwise even with the

best of intentions and best of schemes, Reforms will be a failure. It has been seriously suggested by many responsible persons that perhaps it would have been better if the province could have gone back to the old system of administration under a Lieutenant Governor with a Chief Secretary. It is perhaps too late in the day to suggest a course of this nature. But since the capacity of the people to pay any more tax has been awfully exhausted, arrangements must be made in the new constitution for a reduction of the costs of administration all round before one thinks of introducing any provincial autonomy in Bengal.

I did not know, Sir, that things which everyone knew to be matters of the past and absolutely settled, should have been introduced in this debate. For, Sir, our friend Mr. S. M. Bose, Raja Bahadur of Nashipur, Maharaja of Cossimbazar, Mr. J. N. Basu and even Mr. W. H. Thompson entered into a discussion upon the Communal Award and specially upon the Poona Pact. I shall not enter into any detailed discussion on the subject, as the House had already had an opportunity to express its views on a previous occasion on a motion on the subject sponsored by our friend Mr. Jitendralal Bannerjee. The Premier had no business to take anybody's matter into his consideration, unless it was forced upon him. We know the events of the three Round Table Conferences as also of the Joint Parliamentary Committee too well. I desire to thank our friend Mr. W. H. Thompson for his generosity in suggesting to act as an arbitrator in a household quarrel between the Hindus, having already got his and his friends' position secured under the new constitution; but I would request him to kindly leave the matter alone instead of trying to divide the cake between the two cats. I would also refer him to Sir Hubert Carr who was a member of the Round Table Conference and who was one of the signatories to the Minorities Pact in London along with Dr. Ambedker, the only representative of the depressed classes then chosen by the Government against a large number belonging to other groups.

Mr. Thompson quotes Lord Zetland's remarks and expresses a regret that the depressed classes will not find a sufficient number of qualified representatives to make up their number of thirty under the new constitution. I can assure him that there may or may not be amongst them a retired member of any service, but there will certainly be a fair number of very qualified and proper representatives of theirs in this House under the new constitution to think and act for themselves, if they were left to their ownselves to select their own spokesmen and if others had not poked their noses into their business, evidence of which is there even in the present House.

Sir, I can very well realise the nervousness of people like our friends the Raja Bahadur of Nashipur or Mr. Jitendralal Bannerjee and at the depressed classes phobia they suffer from. But may I ask how are the latter less Hindus than the former? On the contrary, history will show

that because the depressed classes had always paid greater consideration to their faith and deeper regard to their God than to their attainment of any political power that they had still remained depressed. With the advent of the Moslem Rule and then of the British Rule in this country, if the depressed classes could have taken to the customs and habits of the Rulers like our forward brethern only for the purpose of obtaining political power, perhaps the conditions of the depressed classes would have been otherwise. I say that even to-day, it is the people of the depressed classes who have maintained Hindu ideals and Hindu religion in the interior of the province against attacks from various quarters. The nervousness of our friends is due only to the fact that their own activities in the past are being reflected upon the mirrors of their minds and they apprehend that they might meet with retaliation, which, I can assure them, depends upon their ownselves .

I am however amazed at the feelings expressed by Mr. S. M. Bose and Mr. J. N. Gupta. I am sure no Hindu will ever accept them as their spokesmen. And so if they were not consulted at the time when the Pact at Poona was agreed upon between Pandit Malaviya to lead and others, I do not think these friends of ours can have any cause for grievance. And I regret that when Mr. S. M. Bose said that the statement in paragraph 120 of the Report that there was amongst all the communities in India (not excepting the Hindus) a very considerable degree of acquiescence in the Award was incorrect, cannot be said to be anything else than a contempt of the opinion expressed by the Committee. I would ask our friends to read that paragraph once again, where it is also hinted that the consequences of any attempt to alter or modify the Award would be disastrous. The Committee also deplore the mutual distrust. As regards the Poona Pact, the Committee held that in view of the fact that His Majesty's Government felt satisfied that the agreement come to at Poona fell within the terms of their original announcement and accepted it as an authoritative modification of the Communal Award, they were clear that it could not now be rejected. We are very thankful for the pious wish of the possibility of any further mutual agreement between the two sections of the Hindus expressed by the Committee at the instance of the Marquess of Zetland. We know very well the agencies employed to induce the noble Lord about this matter. I regret very much that Lord Ronaldshay, as he then was as the administrative head of Bengal, should so soon have forgotten as to what he himself said in reply to deputations of the depressed classes that waited upon him and as to what he himself did as the provincial head of Bengal to give greater facilities for the education of the depressed classes and also for the representation of their qualified candidates in public services.

But, Sir, if I am amazed at what Mr. S. M. Bose and Mr. J. N. Gupta had said or felt, I am still more amazed at what my friend Rai Sahib Sarat Chandra Bal said the other day about the possibility or otherwise of any modification of the Poona Pact. The good Rai Sahib perhaps did

not truly realise what he was speaking of. I am sure, he could not have meant and did not, in fact, mean what his words seemed to convey. I can assure you, Sir, that so far as the depressed classes or the scheduled castes of Bengal are concerned, the Pact must be said to be a concluded event.

I can assure all my friends that it is neither the revision of the Communal Award nor of the Poona Pact that will ultimately benefit the country. It is the spirit with which the constitution is worked by the various communities concerned. The spirit of distrust has to be cast aside and if everyone acts with a spirit of mutual trust and good-will, it must ultimately bring good to the country as a whole.

I shall not attempt at any detailed examination of the position of the depressed classes years ago, the position the problem took at or just after the partition of Bengal, the consideration that the old Government of Eastern Bengal and Assam promised to give by a resolution of their Appointment Department, dated the 16th February, 1907, the form it had at the time of the investigation made by the late Mr. Montague along with Lord Chelmsford in 1918 following the declaration of the 20th August, 1917, the shape it assumed at the time of the framing of the Government of India Act of 1919 manifested in His Majesty's Instrument of Instructions to the Governors in India, the examination it underwent at the hands of Sir John Simon and his colleagues of the Statutory Commission, the criticism it received at the hands of the Indian Franchise Committee and last but not the least, the rude shock it felt at the hands of some of the members of the Round Table Conferences and of the Joint Parliamentary Committee. The problem is still there and it cannot be throttled but has to be solved in the best interests of the country.

(The member having reached the time limit had to resume his seat.)

Babu KISHORI MOHAN CHAUDHURI: Sir, at this fag end of the session I do not wish to detain the members long with a lengthy speech on the subject under discussion. To my mind the reform proposals are retrogade and I think they are unacceptable and unworkable. Whatever position we got under the Montford scheme much of it is going to be taken away. I will simply note the points on which I think that this reform proposal is not acceptable to us. As regards our goal of Dominion Status I think it should be distinctly mentioned in the constitution. Mere words or promises here and there even by His Excellency the Viceroy are not enough. So, I think that India's demand for Dominion Status, although it may be some time before it is granted, should be clearly and distinctly laid down by the authorities. It is not too much to expect that our hopes and aspirations should be respected, and that we should be treated as a self-respecting nation. For the last 13 years we have

been associated with the Government in working out the dyarchy, although we were not satisfied with the dyarchy, there being many defects in it. Nobody can therefore say that the Indians were found wanting in working out the dyarchy. So it is time that the policy of divide and rule should be abandoned and that India should be given at least the status of a self-respecting nation.

Sir, as regards the communal question I must bring it to the notice of the House that some time ago in this very House we came to the conclusion that there should be joint electorate, and that conclusion, I believe, was placed before the Prime Minister in England. But when that question was considered, it was the official members who did not take any part in the voting: it was only the non-official members who came to that conclusion by a majority of votes. I submit, Sir, that that fact has been lost sight of in the course of this discussion. If there is in the minds of any community any fear or apprehension that joint electorates might work to their detriment, I submit that for a short time, at least, the expedient of reservation of seats might have been resorted to, as has been done in the case of the Calcutta Municipal Act. In the case of the mufassal municipalities and the district boards there is the system of joint electorates, and I do not think that much inconvenience has been felt by any community there. So, I would ask all my Muslim and European friends to sit together and see in what way joint electorate can be secured and at the same time the demands of the so-called minority communities met.

Sir, I have been told by my friend the Hon'ble Khan Bahadur Maulvi Azizul Haque that there is no reasonable demand on the part of the Hindus that there should be a compromise. Some time ago a compromise was attempted, but, unfortunately, we could not succeed. Even now, I think, we can come to a settlement as to how the demands of the respective communities can be met.

Sir, as regards the depressed classes I might say that we are all Hindus and there is no reason why there should be a further division and subdivision amongst us. There are many depressed class members here, who have been elected through joint electorate. The very fact that so many members of this House belonging to the depressed classes have been able to be returned to this House is a sufficient repudiation of the claim that if no separate electorate be given to them, their interests would be jeopardized in every way. However, Sir, if they think that there should be some reservation of seats for them, that point of view may—and ought to—be considered. I think it should be the aim of all parties that there should be no separate electorate for any community, because communalism is the very negation of representative form of government. If the Hindus cannot look up to the Muslims and the Europeans for their support in the

elections, then the system is not a representative one. Similarly, if the Europeans and the Muslims do not look up to the Hindus for their support, they cannot be said to represent the Hindus. So, really, if there be joint electorate it will be more representative of all.

Sir, I would once more appeal, as my honourable friend Mr. J. N. Gupta has done, that we should sit together and come to a conclusion as to how the best interests of the various communities can be secured, and an impetus may be given to our national growth. I would also appeal to my honourable friend, Khan Bahadur Abdul Momin, who is a particular friend of mine, to extend his sympathy and support to us in this matter.

(At this stage the member having reached the time-limit had to resume his seat.)

The motion that this Council take into consideration the Report of the Joint Parliamentary Select Committee on the Indian Constitutional Reform and recommend to the Government of Bengal that the proceedings be forwarded to the Government of India for the information of His Majesty's Government for consideration by Parliament was then put and agreed to.

Mr. PRESIDENT: Before the Council is prorogued, I sincerely wish to convey to each and every member of this House my best wishes for the Christmas and the New Year. When we meet next, I hope I shall find each and every one of you very fit and very happy.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor to announce that the Bengal Legislative Council stands prorogued.

APPENDIX.

Visit of Their Excellencies the Viceroy and the Countess of Willingdon to the Council House.

29th December, 1934.

On the 29th December, 1934, Their Excellencies the Viceroy and the Countess of Willingdon, accompanied by His Excellency the Governor, Sir John Anderson, paid a visit to the Council House on the invitation of the Hon'ble the President, Raja Sir Manmatha Nath Ray Chowdhury, KT., of Santosh. The Hon'ble the President with the Secretary to the Council, Mr. J. W. McKay, I.S.O., in attendance, received Their Excellencies and showed them round the building. Their Excellencies expressed their delight with the visit and their admiration of the Council Chamber, and its appurtenances, which they considered one of the best in India.

Their Excellencies, later, took tea with the Hon'ble the President in the Council Restaurant. Amongst the distinguished guests whom the Hon'ble President invited to meet Their Excellencies were Their Highnesses the Maharaja and Maharani of Travancore, His Highness the Maharaja of Tripura, the Hon'ble Sir James and Lady Grigg, the Hon'ble Chief Justice Sir Harold Derbyshire, the Hon'ble Sir John and Lady Woodhead, the Hon'ble Mr. and Mrs. R. N. Reid, the Hon'ble Nawab K. G. M. Faroqui, the Hon'ble Sir B. L. and Lady Mitter, the Hon'ble Sir B. P. Singh Roy, His Grace the Roman Catholic Archbishop of Calcutta, Sir Archy and Lady Birkmyre, the Maharajadhiraja of Darbhanga, the Maharaja Tagore, the Maharaja of Kassimbazar, the Maharaja of Natore, Chief Secretary Mr. and Mrs. E. N. Blandy, the Mayor of Calcutta, Mr. Nalini Ranjan Sarkar, the Maharaj Kumar of Burdwan, the Maharaj Kumar of Darbhanga, Raja Bahadur of Nashipur, Raja Bahadur Maniloll Singh Roy, C.I.E., of Chakdighi, and others.

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